

**EXHIBIT 55 to Declaration of Joel Israel**



## Case Summary

### Money laundering disclosure

NCIS

Case Summary	Record Data	Subject Data	Notes & Conclusion	Key Corresp																																								
<b>Incident Data</b> <b>Control Authority</b> Group Financial Crime 1 <b>Review Date</b> by <b>Remote Delivery Channel</b> N High Profile Y 27 Aug 2003 00:00 <b>Created on</b> 27 Aug 2003 00:00 by EUROPA_Irelanp <b>Last Modified on</b> 24 Sep 2003 00:00 by RBS_Ohearaa	<b>Linked Cases</b> 617044 NONE Account 666593 auto-linked 666814 NONE Account 704079 auto-linked Maintain Links																																											
<b>Queries</b>	<b>Refer To</b>	<b>Tel No.</b>	<b>Business</b>	<b>Unable to contact ?</b>																																								
			NONE	Yes																																								
<b>Money laundering disclosure Record</b> Submitting Branch GI&F Edinburgh Submitted By TONY O'HEAR Submitting Unit Sortcode Contact No 0131 523 1565 Submitting Department None Legislation POTA Estimated Laundering Total 0 <Unknown> <b>Reason(s) for Suspicion</b> Suspected terrorist funding Please see attachments and/or Case Notes where available for further information																																												
<b>Transactions GBP 0.00</b> -None-				Add																																								
<b>Set All Risk Ratings to the same value of:-</b> <span style="background-color: yellow;">Amber</span> <span style="background-color: blue;">Blue</span> <span style="background-color: green;">Green</span> <span style="background-color: darkblue;">Indigo</span> <span style="background-color: red;">Red</span>																																												
<b>Personal Data</b> <table border="1"><thead><tr><th>Surname</th><th>Forenames</th><th>Date Of Birth</th><th>Sex</th><th>Key Information</th><th>Risk</th><th>Adj</th><th>Add</th></tr></thead><tbody><tr><td>HEWITT</td><td>IBRAHAM BRIAN</td><td></td><td>M</td><td>NONE</td><td>Red</td><td>Red</td><td>Edit</td></tr><tr><td>MUSTAFA</td><td>E</td><td>17 Nov 1955</td><td>M</td><td>NONE</td><td>Red</td><td>Red</td><td>Edit</td></tr><tr><td>QUNDIL</td><td>J</td><td></td><td>M</td><td>NONE</td><td>Red</td><td>Red</td><td>Edit</td></tr><tr><td>SAFIEE</td><td>MAHFOUZH</td><td></td><td>M</td><td>NONE</td><td>Red</td><td>Red</td><td>Edit</td></tr></tbody></table>					Surname	Forenames	Date Of Birth	Sex	Key Information	Risk	Adj	Add	HEWITT	IBRAHAM BRIAN		M	NONE	Red	Red	Edit	MUSTAFA	E	17 Nov 1955	M	NONE	Red	Red	Edit	QUNDIL	J		M	NONE	Red	Red	Edit	SAFIEE	MAHFOUZH		M	NONE	Red	Red	Edit
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PALESTINIANS RELIEF & DEVELOPMENT FUND		UNITED KINGDOM	NONE	Red	Red	Edit																																						

Telephone Data							Add
<b>-None-</b>							
Address Data							
Bldg No. & Name	Street	Town	Postcode	Risk	Adj	Red	Red
PO BOX 333	LONDON	NW6 1RW					Edit
Account Data							Add
Account Name	Account No.	Sortcode	Account Type	Currency	Risk	Adj	
PALESTINIANS RELIEF & DEVELOPMENT FUND	[REDACTED]	60-08-22	Currency Account	Euro	Green	Green	Edit
PALESTINIANS RELIEF & DEVELOPMENT FUND - INTERPAL UNION FOR	[REDACTED]	60-08-22	Currency Account	US Dollar	Green	Green	Edit
PALESTINAINS RELIEF	[REDACTED]	60-08-22	Currency Account	US Dollar	Green	Green	Edit
PALESTINIANS RELIEF & DEVELOPMENT FUND - INTERPAL WAQF ACCOU	[REDACTED]	60-08-22	Current (Non Personal)	British Pound	Green	Green	Edit
PALESTINIANS RELIEF & DEVELOPMENT FUND - INTERPAL FAMILIES	95145397	60-08-22	Current (Non Personal)	British Pound	Green	Green	Edit
PALESTINIANS RELIEF & DEVELOPMENT FUND - INTERPAL ADMINISTRA	95142983	60-08-22	Current (Non Personal)	British Pound	Green	Amber	Edit
PALESTINIANS RELIEF & DEVELOPMENT FUND - INTERPAL CHILDRENS	95142975	60-08-22	Current (Non Personal)	British Pound	Green	Amber	Edit
PALESTINIANS RELIEF & DEVELOPMENT FUND - INTERPAL ZAKAT FUND	95142967	60-08-22	Current (Non Personal)	British Pound	Green	Green	Edit
PALESTINIANS RELIEF & DEVELOPMENT FUND - INTERPAL INTEREST M	95142959	60-08-22	Current (Non Personal)	British Pound	Green	Amber	Edit
PALESTINIANS RELIEF & DEVELOPMENT FUND - INTERPAL	95142940	60-08-22	Current (Non Personal)	British Pound	Green	Green	Edit
Miscellaneous Data							Add
<b>-None-</b>							
Case Notes							Add
Type	Date	User	Text				
Case notes	24 Sep 2003	Migrated	Agree Disclosure 27 August 2003 - TOH TOH - 28 August receiv				View
Summary and Assessment	24 Sep 2003	Migrated	The Palestine Development and Relief Fund, Registered Charit				View
Conclusion	24 Sep 2003	Migrated	On the basis of the information available to us at the prese				View
Key Correspondence							
Upload Doc Title	Author	User	Date				Add

OFAC LIST	EUROPA\Irelanp GK2	17 Sep 2003	View	Edit
Account Signatories	EUROPA\Irelanp GK2	17 Sep 2003	View	Edit
<b>NCIS Disclosures</b>	<b>Author</b>	<b>Date</b>		
NCIS Disclosure 315666 (R) RBS\Ohearaa 28 AUG 2003 Amend NCIS Number				
<b>No CIFAS Reports</b>				

**1. User:** Migrated      **On:** 24 Sep 2003 00:00      **Print**      **Copy**

**Note:** Agree Disclosure 27 August 2003 - TOH TOH - 28 August received phone call from DS Neill Bennett, NTFIU @ Special Branch, who was fully aware of [REDACTED] involvement of [REDACTED]

[REDACTED]  
telephone call 0207 230 3302, of all transactions above £10k. In Neill's absence we should speak to a Mark Ashtown.TOH - 29 Aug Spoke to Terry Woodley, Romford Commercial Office, Commercial Banking who is responsible for ensuring that no items are paid on the accounts that have not been authorised by the Charities Commission. He will send me details of all entries for info and [REDACTED]

[REDACTED] TOH - 24 Sep Advice now received that the Charities Commission has now unblocked this charity's bank accounts. Consequently, the trustees are now free to operate the bank accounts without any further recourse to the Commission. For further info please see the the Commission's webpage [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk).

<b>1. User:</b> Migrated	<b>On:</b> 24 Sep 2003 00:00	<a href="#">Print</a>	<a href="#">Copy</a>
<b>Note:</b> [REDACTED]			

1. User: Migrated

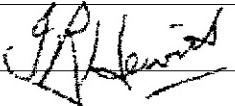
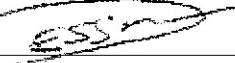
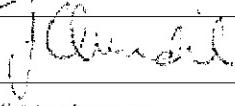
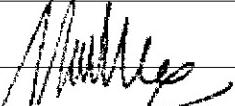
On: 24 Sep 2003 00:00

Print Copy

Note: On the basis of the information available to us at the present time, it is considered that the above incident / activity may constitute or involve money laundering and consequently a disclosure has been made to the National Criminal Intelligence Service or other appropriate authorities.



NatWest ISV Account Enquiry IWB Version

Sort Code	Branch	Branch Name	Signatures returned
Account No	Account Name	Account Type	
Group Code	Signatory Name	Type	Large Size Images
Enter	Attend Enquiry	New Enquiry	Exit Enquiry
Signing Rules		Last Updated	
100% - 80%		on 20/03/2008	MAJOR
Row Signature	Designation	Signature	Last Updated
			Signing Group
HANNAH AMBER MCKEE ONE MC			20/03/2008 10:42:32 AM 20080320104232
ESSIE			20/03/2008 10:42:32 AM 20080320104232
JOLANDA			20/03/2008 10:42:32 AM 20080320104232
MURRAY			20/03/2008 10:42:32 AM 20080320104232

http://www.gk3.web.rbsgrp.net/GK3Web/caseSummaryMaintViewDoc.do?caseNo=... 01/07/2008 [7] Copy

**NCIS Disclosure for Case 710368 ( Received )**

Close

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**Core NCIS details created on 28 Aug 2003 by RBS\Ohearaa [ Submitted by  
RBS\Ohearaa on 28-AUG-03 ]**

Disclosure Type	Terrorism	Submitting Branch Address	GI&F
Disclosure Date	28 Aug 2003		
Branch / Outlet	London, Finsbury Park		
Branch Code	60-08-22		
Trust Indicator	N		
Further Information	Y	Postcode	

Text

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

~~GK3 Edit NCIS Main~~

9332

Page 2 of 2

**Postcode**  

**EXHIBIT 56 to Declaration of Joel Israel**

## Case Summary



NCIS

### Intelligence and Suspect Approach

Case Summary	Record Data	Subject Data	Notes & Conclusion	Key Corresp																																																								
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<b>Intelligence and Suspect Approach Record</b> <table border="1"> <tr> <td><b>Approach To</b></td> <td>RBS Group</td> </tr> <tr> <td colspan="2"><b>Reason For Concern:</b></td> </tr> <tr> <td colspan="2">Other (see Summary and Assessment field)</td> </tr> </table>					<b>Approach To</b>	RBS Group	<b>Reason For Concern:</b>		Other (see Summary and Assessment field)																																																			
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PALESTINE RELIEF FUND	1040094	UNITED KINGDOM	NONE	Red	Red	Edit																																																						

PALESTINIAN AID & SUPPORT FUND	1040094	UNITED KINGDOM	NONE	Red	Red	Edit
PALESTINIAN RELIEF & DEVELOPMENT FUND	1040094	UNITED KINGDOM	NONE	Red	Red	Edit
PALESTINIAN RELIEF FUND	1040094	UNITED KINGDOM	NONE	Red	Red	Edit
PRDF	1040094	UNITED KINGDOM	NONE	Red	Red	Edit
RELIEF & DEVELOPMENT FUND FOR PALESTINE	1040094	UNITED KINGDOM	NONE	Red	Red	Edit
WELFARE & DEVELOPMENT FUND FOR PALESTINE	1040094	UNITED KINGDOM	NONE	Red	Red	Edit
WELFARE & DEVELOPMENT FUND OF PALESTINE	1040094	UNITED KINGDOM	NONE	Red	Red	Edit
<b>Telephone Data</b>						Add
<b>-None-</b>						
<b>Address Data</b>						Add
Bldg No. & Name	Street	Town	Postcode	Risk	Adj	
PO BOX 3333		LONDON, ENGLAND	NW6 1RW	Red	Red	Edit
<b>Account Data</b>						Add
<b>-None-</b>						
<b>Miscellaneous Data</b>						Add
<b>-None-</b>						
<b>Case Notes</b>						Add
Type	Date	User	Text			
Case notes	25 Sep 2003	Migrated	Other Information:n.k.a INTERPAL (a.k.a. AL-SANDUQ AL-FILIST			View
Summary and Assessment	25 Sep 2003	Migrated	This name(s) appears on a Sanctions & Terrorism Financing Gr			View
Conclusion	25 Sep 2003	Migrated	Any approaches from or relationships held with the named par			View
<b>Key Correspondence</b>						
Upload Doc Title	Author	User	Date			Add
Search List	EUROPA\Connodb	GK2	27 Aug 2003	View	Edit	
<b>No NCIS Disclosures</b>						
<b>No CIFAS Reports</b>						

1. User: Migrated

On: 25 Sep 2003 00:00

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**Note:** Other Information:n.k.a INTERPAL (a.k.a. AL-SANDUQ AL-FILISTINI LIL-IGHATHA; a.k.a. AL-SANDUQ AL-FILISTINI LIL-IGHATHA WA AL-TANMIYA; a.k.a. PALESTINE DEVELOPMENT AND RELIEF FUND; a.k.a. PALESTINE RELIEF AND DEVELOPMENT FUND; a.k.a. PALESTINE RELIEF FUND; a.k.a. PALESTINIAN AID AND SUPPORT FUND; a.k.a. PALESTINIAN RELIEF AND DEVELOPMENT FUND; a.k.a. PALESTINIAN RELIEF FUND; a.k.a. PALESTINE AND LEBANON RELIEF FUND; a.k.a. PRDF; a.k.a. RELIEF AND DEVELOPMENT FUND FOR PALESTINE; a.k.a. WELFARE AND DEVELOPMENT FUND FOR PALESTINE; a.k.a. WELFARE AND DEVELOPMENT FUND OF PALESTINE)Effective 24/09/03, the Charities Commission concluded their investigations into this Charity and their web site confirmed that no wrong doings were uncovered. In addition, contact made with the US Government to obtain tangible evidence to support their previous comments, was not forthcoming. The Bank has given agreement to release the block against all accounts held within this connection. Registered Charity No: 1040094

<b>1. User:</b> Migrated	<b>On:</b> 25 Sep 2003 00:00	Print	Copy	Print
<b>Note:</b> This name(s) appears on a Sanctions & Terrorism Financing Group-wide database search instruction, circulated under Group Risk Management search reference GRM TER 26_08_03 (source: Bank of England, Terrorist Financing and Office of Foreign Assets Control (OFAC), Terrorism Categories). Refer to the attachment on this file to view the electronic version of the search list.				

1. User: Migrated

On: 25 Sep 2003 00:00

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**Note:** Any approaches from or relationships held with the named party(s) on this record should immediately be reported to Group Risk Management.

**EXHIBIT 57 to Declaration of Joel Israel**

**Case Summary**

<b>Money laundering suspicion</b>					FSA NCIS																									
<b>Case Summary</b>	Record Data	Subject Data	Notes & Conclusion	Key Corresp																										
<b>Incident Data</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>Control Authority</b></td> <td>Payment Operations</td> <td><b>Status</b></td> <td colspan="2"><b>Open Source:</b> [GK2:666593]</td> </tr> <tr> <td><b>Review Date</b></td> <td></td> <td>by</td> <td colspan="2"></td> </tr> <tr> <td><b>Remote Delivery Channel</b></td> <td>N</td> <td><b>High Profile</b></td> <td colspan="2">Y 22 Aug 2003 00:00</td> </tr> <tr> <td><b>Created on</b></td> <td>14 Jun 2002 00:00</td> <td>by</td> <td colspan="2">RBS_Allenbc</td> </tr> <tr> <td><b>Last Modified on</b></td> <td>22 Aug 2003 00:00</td> <td>by</td> <td colspan="2">RBS_Hoseasm</td> </tr> </table>					<b>Control Authority</b>	Payment Operations	<b>Status</b>	<b>Open Source:</b> [GK2:666593]		<b>Review Date</b>		by			<b>Remote Delivery Channel</b>	N	<b>High Profile</b>	Y 22 Aug 2003 00:00		<b>Created on</b>	14 Jun 2002 00:00	by	RBS_Allenbc		<b>Last Modified on</b>	22 Aug 2003 00:00	by	RBS_Hoseasm		<b>Linked Cases</b> <a href="#">617044</a> NONE <a href="#">666814</a> NONE <a href="#">704079</a> NONE <a href="#">710368</a> Account auto-linked Account <a href="#">1748664</a> auto-linked <a href="#">Maintain Links</a>
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<b>Queries</b>	<b>Refer To</b>	<b>Tel No.</b>	<b>Business</b>	<b>Unable to contact ?</b>																										
			NONE	Yes																										
<b>Money laundering suspicion Record</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>Submitting Branch</b></td> <td>600822/</td> <td><b>Submitted By</b></td> <td colspan="3">FINSBURY PARK</td> </tr> <tr> <td><b>Submitting Unit Sortcode</b></td> <td></td> <td><b>Contact No</b></td> <td colspan="3">7 8067 6840</td> </tr> <tr> <td><b>Submitting Department</b></td> <td>Payment &amp; Trade Operations</td> <td><b>Legislation</b></td> <td colspan="3">POTA</td> </tr> <tr> <td><b>Estimated Laundering Total</b></td> <td>0 &lt;Unknown&gt;</td> <td colspan="4"></td> </tr> </table>						<b>Submitting Branch</b>	600822/	<b>Submitted By</b>	FINSBURY PARK			<b>Submitting Unit Sortcode</b>		<b>Contact No</b>	7 8067 6840			<b>Submitting Department</b>	Payment & Trade Operations	<b>Legislation</b>	POTA			<b>Estimated Laundering Total</b>	0 <Unknown>					
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<b>Estimated Laundering Total</b>	0 <Unknown>																													
<b>Reason(s) for Suspicion</b> Payments to / from blacklisted or high risk countries Please see attachments and/or Case Notes where available for further information Other (see Summary and Assessment field)																														
<b>Transactions GBP 0.00</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>Date</b></td> <td><b>Type</b></td> <td><b>Amount</b></td> <td><b>Currency</b></td> <td style="text-align: right;"><b>Add</b></td> </tr> <tr> <td colspan="4">Transaction Other</td> <td style="text-align: right;"><b>Edit</b></td> </tr> </table>						<b>Date</b>	<b>Type</b>	<b>Amount</b>	<b>Currency</b>	<b>Add</b>	Transaction Other				<b>Edit</b>															
<b>Date</b>	<b>Type</b>	<b>Amount</b>	<b>Currency</b>	<b>Add</b>																										
Transaction Other				<b>Edit</b>																										
<b>Set All Risk Ratings to the same value of:-</b> <span style="background-color: #ff8c00; color: white; padding: 2px 5px;">Amber</span> <span style="background-color: #0070C0; color: white; padding: 2px 5px;">Blue</span> <span style="background-color: #00A060; color: white; padding: 2px 5px;">Green</span> <span style="background-color: #40E0D0; color: white; padding: 2px 5px;">Indigo</span> <span style="background-color: #800080; color: white; padding: 2px 5px;">Red</span>																														
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<b>-None-</b>						<b>Add</b>																								
<b>Business Data</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>Business/Org Name</b></td> <td><b>Company Ref. No.</b></td> <td><b>Legal Jurisdiction</b></td> <td><b>Key Information</b></td> <td><b>Risk</b></td> <td><b>Adj</b></td> <td style="text-align: right;"><b>Add</b></td> </tr> <tr> <td>PALESTINIANS DEVELOPMENT FUND-INTERHAL</td> <td></td> <td>UNITED KINGDOM</td> <td>NONE</td> <td>Green</td> <td>Green</td> <td style="text-align: right;"><b>Edit</b></td> </tr> </table>						<b>Business/Org Name</b>	<b>Company Ref. No.</b>	<b>Legal Jurisdiction</b>	<b>Key Information</b>	<b>Risk</b>	<b>Adj</b>	<b>Add</b>	PALESTINIANS DEVELOPMENT FUND-INTERHAL		UNITED KINGDOM	NONE	Green	Green	<b>Edit</b>											
<b>Business/Org Name</b>	<b>Company Ref. No.</b>	<b>Legal Jurisdiction</b>	<b>Key Information</b>	<b>Risk</b>	<b>Adj</b>	<b>Add</b>																								
PALESTINIANS DEVELOPMENT FUND-INTERHAL		UNITED KINGDOM	NONE	Green	Green	<b>Edit</b>																								
<b>Telephone Data</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="6"></td> <td style="text-align: right;"><b>Add</b></td> </tr> </table>												<b>Add</b>																		
						<b>Add</b>																								

<b>-None-</b>									
<b>Address Data</b>									
<b>Bldg No. &amp; Name</b>	<b>Street</b>	<b>Town</b>	<b>Postcode</b>	<b>Risk</b>	<b>Adj</b>	<b>Add</b>			
	PO BOX 3333	LONDON	NW6 1RW	Green	Green	Edit			
<b>Account Data</b>									
<b>Account Name</b>	<b>Account No.</b>	<b>Sortcode</b>	<b>Account Type</b>	<b>Currency</b>	<b>Risk</b>	<b>Adj</b>			
PALESTINIANS DEVELOPMENT FUND-INTERHAL	95142983	60-08-22	Current (Non Personal)	British Pound	Green	Amber			
PALESTINIANS DEVELOPMENT FUND-INTERHAL	95142975	60-08-22	Current (Non Personal)	British Pound	Green	Amber			
PALESTINIANS DEVELOPMENT FUND-INTERHAL	95142940	60-08-22	Current (Non Personal)	British Pound	Green	Amber			
PALESTINIANS DEVELOPMENT FUND-INTERHAL	140 0 04156838	60-08-22	Currency Account	US Dollar	Green	Green			
<b>Miscellaneous Data</b>									
<b>-None-</b>									
<b>Case Notes</b>									
<b>Type</b>	<b>Date</b>	<b>User</b>	<b>Text</b>						
Case notes	22 Aug 2003	Migrated	Agreed, no disclosure. MH						
Summary and Assessment	22 Aug 2003	Migrated	This connection was reported due to a sizeable credit origin						
Conclusion	22 Aug 2003	Migrated	From the information available at the date of this record, i						
<b>Key Correspondence</b>									
<b>Upload Doc Title</b>	<b>Author</b>	<b>User</b>	<b>Date</b>						
SUSPICION REPORT	RBS\Allenbc	GK2	17 Jun 2002						
SUSPICION REPORT	RBS\Allenbc	GK2	17 Jun 2002						
<b>No NCIS Disclosures</b>									
<b>No CIFAS Reports</b>									

**1. User:** Migrated    **On:** 22 Aug 2003 00:00  
**Note:** Agreed, no disclosure. MH

Print Copy

1. User: Migrated

On: 22 Aug 2003 00:00

Print

Copy

Delete

**Note:** This connection was reported due to a sizeable credit originating from [REDACTED] which was received in to the account on [REDACTED]. Palestinians Development Fund has been the subject of previous disclosures and we are aware NTFIU are undertaking their own investigations. The payment is consistent with our knowledge of this customer's humanitarian aid activities and a further disclosure is not considered necessary at this stage.

**1. User:** Migrated

**On:** 22 Aug 2003 00:00

Print

Copy

Delete

**Note:** From the information available at the date of this record, it is considered that there are insufficient grounds to make a financial disclosure. Please see attached documents for further information relating to the suspicion report. This information may be of relevance when considering any business approaches or dealings with the above named parties.

666593.

(HP?)



Corporate Banking Money Laundering Suspicion Report Form

Branch/Department	Customer Ref	Sort Code	60-08-22
Surname/Business name Palestineans Development Fund - Interpal	Forename(s)		
Male/Female	Nationality (if known)	Date of Birth	
Address (include postcode) PO Box 3333 London NW6 1RW	Additional Previous Addresses Registered Flat 60 Black Court AGILEN Crescent London NW10 5DT		
Telephone No:			
No & Country of issue of Passport or other ID document seen/source of introduction/reference taken.	Companies - Date of Country of incorporation/registered No:		
Account No(s)	Account Type	Date Opened	
1. 95142340 2. 95142975 3. 9542483 4. 9520574	140/0/041 56838	550/0/0853 4852	
Date when Relationship with Bank started:	4/10/1994		
Stated Occupation: as Name.			
Name & Address of Employer:			
Additional/Associated Names:	Date of Birth:	In Account:	Address, esp P/Code/Passport No etc.
Transaction Details		Account Number	
Date	Amount	Dr/Cr.	Source/Destination e.g. Cash/Cheq/UT/SVCHAPS to/from [REDACTED]
Reasons for Suspicion			
Official Name - C. Mustafa, J. Graham Brown Hewitt, J. Dunlop, Mafouzah Saifi			
Direct access customer to IBC S.E.a City When contacted to advise of receipt of money Mr Dunlop (see above) commented the funds had been expected from [REDACTED]			
Connection between [REDACTED], al Qaeda and present Middle East situation cannot be ignored.			



Corporate Banking Money Laundering Suspicion Report Form

Accepted note of [redacted] note that a copy was accepted with regards to [redacted] (= being sent)		
Security & safe Custody held (brief details only)		
Boxes & Parcels held		
Special Signing Instructions, e.g. Third party mandates		
If a company/partnership etc attach a copy of mandate		
Other accounts known to be held (including Building Societies)		
Status Enquiries Received		
<b>Nature of Suspected Offence</b> <i>possible串謀 - by sending terrorism in Middle East</i>		<b>Drug Trafficking</b> <b>Terrorism</b> ✓ <b>Other crime</b>
Branch / Depart Ref: <i>int'l/foreign BC CTR</i>	Name of Contact <i>A. M. E. C. S. A. S.</i>	Tel/ITS Ex: 7-3062-634
Signed: <i>M. Martin</i>	Senior Officer/Manager <i>M. Martin</i>	Date 24/05/2002

George Washington, Virginia.

**EXHIBIT 58 to Declaration of Joel Israel  
(Bank Transfer, 1 Page)**

**This document has been filed Under Seal**

**EXHIBIT 59 to Declaration of Joel Israel  
(Bank Transfer, 1 Page)**

**This document has been filed Under Seal**

**EXHIBIT 60 to Declaration of Joel Israel  
(Bank Transfers, 61 Pages)**

**This document has been filed Under Seal**

**EXHIBIT 61 to Declaration of Joel Israel  
(Bank Transfers, 91 Pages)**

**This document has been filed Under Seal**

**EXHIBIT 62 to Declaration of Joel Israel**

## internal memo

To: C McComas  
Group Investigations & Fraud



From: Belinda Lane  
Commercial Manager

Date: 15 July 2002

Ref:

### Palestinian Relief & Development Fund - Interpal - Group Fraud Ref: 666814

- Acc opened with NWB 10/94 – charity formed 8/94
- Registered charity no 1040094 – 8 trustees
- Copy of mandate attached (trust deed held if required)
- Jihad Qundil has been only point of contact who was recently re-identified together with M Safiee in accordance with KYC procedures
- Provide charitable relief to refugees in Israel, West Bank & Gaza and Lebanon – developed out of former charity which provided relief to Kuwait
- Main donors are Muslim communities in the UK, USA and Saudi Arabia
- Please see my iv note dated 20 March 2002 attached which explains the increased activity seen on the account
- Customers hold funds in current accounts as it is against their religion to earn interest

**EXHIBIT 63 to Declaration of Joel Israel**

## Unknown

---

**From:** O'Hear, Tony  
**Sent:** Tuesday, October 14, 2003 3:57 AM  
**To:** COLE, Guy, CBFM Compliance; RODGER, Irvine, CBFM Compliance  
**Cc:** FOSTER, Stephen James, Group Risk Mgmt  
**Subject:** Interpal

Guy/Irvine,

Is the monitoring of payment traffic, as outlined by Stephen, possible here ?

Tony O'Hear  
Manager, Group Investigations & Fraud  
0131 523 3401 Ext 23401

If you would like to know more about Group Investigations & Fraud, please access the Intranet link below.  
<http://www.manufacturing.rbs.co.uk/gsf/GIF/default.htm>

-----Original Message-----

**From:** Miller, Fiona (Op Risk)  
**Sent:** Tuesday, October 14, 2003 8:53 AM  
**To:** O'Hear, Tony  
**Subject:** RE: Interpal

Hi Tony,

Hope you had a good holiday - back to reality now!

In similar cases in the past the customer owning compliance function has been responsible for monitoring. In this case CBFM Compliance - Irvine Rodger/Guy Cole should be able to assist.

Hope this helps.

Fiona Miller  
Manufacturing Risk Management  
2nd Floor, The Broadstone  
PO Box 17136  
50, South Gyle Crescent  
Edinburgh EH12 9UZ

Tel 0131 523 3344  
Fax 0131 523 4039

<http://www.manufacturing.rbs.co.uk/ManuOpsRisk/>

-----Original Message-----

**From:** FOSTER, Stephen James, Group Risk Mgmt  
**Sent:** Monday, October 13, 2003 6:14 PM  
**To:** O'Hear, Tony  
**Cc:** Norrie, Ben (Group Risk Mgmt)  
**Subject:** RE: Interpal

Thanks for this.

I think the main concern now is to ensure that no future payment is made to Hamas. With the restrictions lifted, is there any formal (or even informal) monitoring of the traffic?

What scope is there to use the filtering technology we have in GBS or Payment Ops to monitor?

-----Original Message-----

From: O'Hear, Tony  
Sent: 13 October 2003 17:32  
To: FOSTER, Stephen James, Group Risk Mgmt  
Cc: Norrie, Ben (Group Risk Mgmt)  
Subject: FW: Interpal

Stephen,

There was no indication of payments being made to HAMAS.

There was a question mark around a payment received from an aid agency in [REDACTED] called the [REDACTED]  
[REDACTED]. Following investigations into this particular payment the Charities Commission have been satisfied that this payment was in recompense for aid work already carried out by Interpal.

Happy to discuss further with Ben if required.

Tony O'Hear  
Manager, Group Investigations & Fraud  
0131 523 3401 Ext 23401

If you would like to know more about Group Investigations & Fraud, please access the Intranet link below.  
<http://www.manufacturing.rbs.co.uk/gsf/GIF/default.htm>

-----Original Message-----

From: FOSTER, Stephen James, Group Risk Mgmt  
Sent: Thursday, October 09, 2003 12:20 PM  
To: Brand, Derek; Hoseason, Michael (Group Fraud); Norrie, Ben (Group Risk Mgmt)  
Cc: O'Hear, Tony  
Subject: RE: Interpal

Thanks

-----Original Message-----

From: Brand, Derek  
Sent: 09 October 2003 12:20  
To: FOSTER, Stephen James, Group Risk Mgmt; Hoseason, Michael (Group Fraud); Norrie, Ben (Group Risk Mgmt)  
Cc: O'Hear, Tony  
Subject: RE: Interpal

I am not aware of anything intimating that payments may have been made to Hamas.  
Tony was running with this in great detail Stephen, but he is on holiday until Monday.  
I've copied him into this response in case he can add value.

Regards

Derek Brand  
CMAU, Group Investigations & Fraud,  
Group Security & Fraud, Manufacturing  
Tel - 0131 525 1642  
Int - X 21642  
Fax - 0131 523 2125

-----Original Message-----

From: FOSTER, Stephen James, Group Risk Mgmt  
Sent: 09 October 2003 12:12  
To: Hoseason, Michael (Group Fraud); Brand, Derek; Norrie, Ben (Group Risk Mgmt)  
Subject: Interpal

FYI tha BOE have written to us [REDACTED]

However, they have reminded us that [REDACTED] so we need to

be freezing funds, reporting etc. Ben is looking out what we have but do you have anything on possible payments to Hamas?  
We will prob need to reply.

Thanks

" Visit our Internet site at <<http://www.rbsmarkets.com>> "

"

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" Registered office: 36 St Andrew Square, Edinburgh EH2 2YB "

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**EXHIBIT 64 to Declaration of Joel Israel**

## U.S. DEPARTMENT OF THE TREASURY

## Press Center

**Treasury Designates Al-Aqsa International Foundation as Financier of Terror Charity Linked to Funding of the Hamas Terrorist Organization**

5/29/2003

FROM THE OFFICE OF PUBLIC AFFAIRS

JS-439

WASHINGTON, DC ♦ The U.S. Treasury Department has designated the Al-Aqsa Foundation as a Specially Designated Global Terrorist (SDGT) entity under Executive Order 13224. As a result of this designation by Treasury♦s Office of Foreign Assets Control (OFAC), all assets of the Al-Aqsa Foundation are blocked and transactions with the organization are prohibited.

♦By designating the Al-Aqsa Foundation, we have deprived the Hamas terrorist organization of a vital source of funding and have shut off yet another pipeline of money financing terror. Today♦s action demonstrates our commitment to prevent the perversion of charitable organizations for terrorist ends,♦ Secretary Snow stated.

Al Aqsa is a critical part of Hamas♦ terrorist support infrastructure. Through its headquarters in Germany and branch offices in the Netherlands, Denmark, Belgium, Sweden, Pakistan, South Africa, Yemen and elsewhere, Al Aqsa funnels money collected for charitable purposes to Hamas terrorists.

Other nations, including the Netherlands, Germany, Denmark, Britain, Luxembourg and Switzerland, have also taken action against the Al-Aqsa Foundation.

The Al Aqsa Foundation is the 18th financier of terror disguised as a charitable organization designated by the Treasury Department. With today♦s action, there are now 264 individuals and entities designated as SDGTs and over \$137 million in their assets frozen worldwide.

Further details on the Al-Aqsa Foundation are attached.

Background: AL-AQSA FOUNDATION

AKAs: Al-Aqsa International Foundation, Al-Aqsa Charitable Foundation, Sanabil al-Aqsa Charitable Foundation, Al-Aqsa Sinabil Establishment, Al-Aqsa Charitable Organization, Charitable Al-Aqsa Establishment, Mu'assa al-Aqsa al-Khayriyya, Mu'assa Sanabil Al-Aqsa al-Khayriyya, Aqsa Society, Al-Aqsa Islamic Charitable Society, Islamic Charitable Society for al-Aqsa, Charitable Society to Help the Noble al-Aqsa, Nusrat al-Aqsa al-Sharif

The AL-AQSA FOUNDATION is a critical part of Hamas' transnational terrorist support infrastructure. Hamas is designated by the Secretary of State as a Foreign Terrorist Organization (66 Fed. Reg. 51088) and as Specially Designated Global Terrorist (SDGT) under Executive Order 13224, "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism." Hamas is known to raise at least tens of millions of dollars per year throughout the world using charitable fundraising as cover.

The AL-AQSA FOUNDATION, until recently headquartered in Germany, uses humanitarian relief as cover to provide support to the Hamas terrorist organization. Mahmoud Amr, the Director of the AL-AQSA FOUNDATION in Germany, is an active figure in Hamas. The AL-AQSA FOUNDATION also is known to maintain branch offices in The Netherlands, Denmark, Belgium, Sweden, Pakistan, South Africa, Yemen and elsewhere. AL-AQSA FOUNDATION offices are included in lists of organizations that contributed to the Hamas-affiliated Charity Coalition in 2001 and 2002.

Since the summer of 2002, authorities in The Netherlands, Denmark, Germany and the U.S. have taken administrative and/or law enforcement action against the AL-AQSA FOUNDATION and some of its leaders based on evidence of the organization's support for Hamas and other terrorist groups. Pursuant to a July 31, 2002 administrative order, German authorities closed the AL-AQSA FOUNDATION in Germany for supporting Hamas. In April 2003, Dutch authorities blocked AL-AQSA FOUNDATION assets in The Netherlands based on information that funds were provided to organizations supporting terrorism in the Middle East.

Criminal charges against some AL-AQSA FOUNDATION officials were also filed. On January 1, 2003, the Danish government charged three AL-AQSA FOUNDATION officials in Denmark for supporting terrorism. Also, the head of the Yemeni branch of the AL-AQSA FOUNDATION, Shaykh Muhammad Ali Hassan AL-MUAYAD, was arrested for providing support to terrorist organizations including Al-Qaeda and Hamas in January 2003 by German authorities.

In Scandinavia, the Oslo, Norway-based Islamic League used the AL-AQSA FOUNDATION in Sweden to channel funds from some members of the Islamic community in Oslo, Norway to Hamas.

In late 2001 for example, a human courier was used to transfer funds from the Islamic League in Norway to the AL-AQSA FOUNDATION in Sweden. In another instance in 2002, money, gold and jewelry were collected by the Islamic League (in Oslo, Norway) and transferred to the AL-AQSA FOUNDATION in Sweden to be provided to Hamas.

At the Islamic League of Norway's annual conference held on May 18 and 19, 2002, the General Secretary of the Islamic League in Sweden urged all Muslims to provide support and to participate in continuing the suicide operations against Israel. He called for further financial support from all conference participants to the AL-AQSA FOUNDATION in Sweden, noting that this financial support could contribute to the destruction of Israel.

Strong ties have existed between the Hamas and AL-AQSA FOUNDATION offices in Yemen. Officials of the organizations met frequently and the AL-AQSA FOUNDATION was identified as a "Hamas-affiliate." As discussed in a previously unsealed FBI Affidavit, AL-MUAYAD, the head of the AL-AQSA FOUNDATION in Yemen, has allegedly provided money, arms, recruits and communication equipment for Al-Qaeda. At least until AL-MUAYAD's arrest, Ali Mugbil, the General Manager of the AL-AQSA FOUNDATION in Yemen and a Hamas official, transferred funds on AL-MUAYAD♦s orders to Hamas, PIJ or other Palestinian organizations assisting "Palestinian fighters." The disbursements were recorded as contributions for charitable projects. Through channels such as this, AL-MUAYAD reportedly provided more than U.S. \$3 million to the "Palestinian cause".

HEAD OFFICE:

Aachen, Germany

BRANCH OFFICES:

Rotterdam, Holland

Copenhagen, Denmark

Brussels, Belgium

San♦a, Yemen

Malmö, Sweden

Johannesburg, South Africa

Islamabad, Pakistan

**EXHIBIT 65 to Declaration of Joel Israel**



## Case Summary

[Delete Case](#)

### External Data

CIFAS NCIS

Case Summary	Record Data	Subject Data	Notes & Conclusion	Key Corresp
<b>Incident Data</b>				
<b>Control Authority</b>	Group Financial Crime 1	<b>Status</b>	Closed	<b>Source:</b> [GK2:700799]
<b>Review Date</b>		by		
<b>Remote Delivery Channel</b>	N	High Profile	N	
<b>Created on</b>	30 May 2003 00:00	by	RBS_Feurtlj	
<b>Last Modified on</b>	30 May 2003 00:00	by	EUROPA_Shielsk	
<b>Linked Cases</b>				
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				663643 auto-linked
				Business
				670672 auto-linked
				Business
				671626 auto-linked
				Business
				700760 auto-linked
				701141 NONE
				702718 NONE
				Business
				1033746 auto-linked
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				1061187 auto-linked
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				1061189 auto-linked
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				1168895 auto-linked

				Business <u>1206761</u> auto-linked Business <u>1233910</u> auto-linked Business <u>1918429</u> auto-linked	Maintain Links																																				
Queries	Refer To	Tel No.	Business	Unable to contact ?																																					
			NONE	Yes																																					
<b>External Data Record</b>																																									
External Information Source		Other ( see summary and assessment field)																																							
Set All Risk Ratings to the same value of:-																																									
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<table border="1"><thead><tr><th>Business/Org Name</th><th>Company Ref. No.</th><th>Legal Jurisdiction</th><th>Key Information</th><th>Risk</th><th>Adj</th></tr></thead><tbody><tr><td>AL-AQSA AL-ISLAMIC BANK</td><td>NONE</td><td>NONE</td><td>Green</td><td>Green</td><td><input type="button" value="Edit"/></td></tr><tr><td>AL-AQSA FOUNDATION</td><td>NONE</td><td>NONE</td><td>Green</td><td>Red</td><td><input type="button" value="Edit"/></td></tr><tr><td>AL-AQSA MARTYRS BATTALION</td><td>NONE</td><td>NONE</td><td>Green</td><td>Green</td><td><input type="button" value="Edit"/></td></tr><tr><td>AL-AQSA MARTYRS BRIGADE</td><td>NONE</td><td>NONE</td><td>Green</td><td>Amber</td><td><input type="button" value="Edit"/></td></tr><tr><td>HAMAS</td><td>NONE</td><td>NONE</td><td>Green</td><td>Red</td><td><input type="button" value="Edit"/></td></tr></tbody></table>						Business/Org Name	Company Ref. No.	Legal Jurisdiction	Key Information	Risk	Adj	AL-AQSA AL-ISLAMIC BANK	NONE	NONE	Green	Green	<input type="button" value="Edit"/>	AL-AQSA FOUNDATION	NONE	NONE	Green	Red	<input type="button" value="Edit"/>	AL-AQSA MARTYRS BATTALION	NONE	NONE	Green	Green	<input type="button" value="Edit"/>	AL-AQSA MARTYRS BRIGADE	NONE	NONE	Green	Amber	<input type="button" value="Edit"/>	HAMAS	NONE	NONE	Green	Red	<input type="button" value="Edit"/>
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AL-AQSA AL-ISLAMIC BANK	NONE	NONE	Green	Green	<input type="button" value="Edit"/>																																				
AL-AQSA FOUNDATION	NONE	NONE	Green	Red	<input type="button" value="Edit"/>																																				
AL-AQSA MARTYRS BATTALION	NONE	NONE	Green	Green	<input type="button" value="Edit"/>																																				
AL-AQSA MARTYRS BRIGADE	NONE	NONE	Green	Amber	<input type="button" value="Edit"/>																																				
HAMAS	NONE	NONE	Green	Red	<input type="button" value="Edit"/>																																				
<b>Telephone Data</b>																																									
<input type="button" value="Add"/> <b>-None-</b>																																									
<b>Address Data</b>																																									
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<b>Account Data</b>																																									
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<b>Miscellaneous Data</b>																																									
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<b>Case Notes</b>																																									
Type	Date	User	Text	<input type="button" value="Add"/>																																					
Summary and Assessment	30 May 2003	Migrated	Taken from Complinet website: Chancellor Gordon Brown has ord	<input type="button" value="View"/>																																					
Conclusion	30 May 2003	Migrated	Public record information concerning the party (ies) named on	<input type="button" value="View"/>																																					
<b>Key Correspondence</b>																																									

Upload Doc Title	Author	User	Date	Add
Complinet Article	EUROPA\Shielsk	GK2	30 May 2003	<input type="button" value="View"/> <input type="button" value="Edit"/>
<b>No NCIS Disclosures</b>				
<b>No CIFAS Reports</b>				

Summary and Assessment for Case 700799

Page 1 of 1

**No:3954985 User:** Migrated      **On:** 30 May 2003 00:00

**Note:** Taken from Complinet website: Chancellor Gordon Brown has ordered an immediate freeze on all assets held in UK firms belonging to the Al-Aqsa Foundation. Britain and other G20 countries are acting on intelligence gathered about the foundation. See scanned image for full details.Lisa Moore  
GI&F 30 May 2003

Conclusion for Case 700799

Page 1 of 1

**No:3954984 User:** Migrated      **On:** 30 May 2003 00:00

**Note:** Public record information concerning the party(ies) named on this record is available from an external source. This information may be relevant when considering any business approaches from or dealings with these parties.

Money Laundering

Page 1 of 2



## Money Laundering

[Other Complinet Services]



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### HM Treasury finally freezes Al-Aqsa's UK assets

700799

Emily Brayshaw 30 May 2003

Search A

Chancellor Gordon Brown has ordered an immediate freeze on all assets held in UK firms belonging to the Al-Aqsa Foundation, more than ten months after Germany outlawed the bogus Islamic charity with ties to the terrorist group Hamas. Complinet asked HM Treasury why the UK had only just decided to freeze Al-Aqsa's money, when Europe and the US took action to outlaw the group almost one year ago but did not receive a straight reply.

Email this  
Discuss this  
message  
Printable

"The Al-Aqsa Foundation describes itself as an organisation that helps widows and orphans but we have linked them to supporting terrorists. We've [the Treasury and the Bank of England] acted in conjunction with the US and have acted on intelligence evidence that has been gathered about the foundation. We have frozen Al-Aqsa's funds and have asked other G20 countries to act in a similar manner," a spokesman for HM Treasury told Complinet, declining further comment.

### Late

HM Treasury  
Al-Aqsa's UK

Complinet alerted its readers to the Al-Aqsa Foundation in August last year, when Germany's interior minister, Otto Schilly, became the first public official to outlaw the association for allegedly financing terrorists. German authorities also raided Al-Aqsa's premises and board members' apartments and seized €300,000 from accounts in Aachen and Cologne which belonged to the group.

US agents  
funds in fo

Days later, the Dutch secret service announced that it had started investigating Al-Aqsa for allegedly sending money to Hamas. In addition, Al-Aqsa has been on the US Office of Foreign Assets Control terrorist list since then under the following entries:

Regulator  
failure to jo

- AL-AQSA AL-ISLAMI BANK (a.k.a. AL-AQSA ISLAMIC BANK), P.O. Box 3753  
al-Bireh, West Bank; Ramallah II 970, West Bank
- AL-AQSA ISLAMIC BANK (a.k.a. AL-AQSA AL-ISLAMI BANK), P.O. Box 3753  
al-Bireh, West Bank; Ramallah II 970, West Bank
- AL-AQSA MARTYRS BRIGADE (a.k.a. AL-AQSA MARTYRS BATTALION)
- AL-AQSA MARTYRS BATTALION (a.k.a. AL-AQSA MARTYRS BRIGADE)

FinCEN rec  
gambling b  
\$350,000

Irish autho  
laundering  
credit unio

Blunkett ad  
passports

US to ease  
systems fo  
workers

Nigerians c  
preparation  
FATF

### Latest

Verifying id  
companies

Charities a  
financing:  
Professor H

<http://www.complinet.com/m/dailynews/display.html?ref=46501>

30/05/03

**EXHIBIT 66 to Declaration of Joel Israel**

**Nell, Dedrei (Group Risk Mgmt)**

**From:** COLE, Guy, CBFM Compliance  
**Sent:** 16 June 2003 11:17  
**To:** Nell, Dedrei (Group Risk Mgmt); FOSTER, Stephen James, Group Risk Mgmt  
**Cc:** RODGER, Irvine, CBFM Compliance  
**Subject:** RE: Sanctions & Terrorist Financing: New RBS Group Search Request - GRM TER 29\_05\_03  
Stephen/Dedrei

Please find attached the Search Return for GRM TER 29\_05\_03 from CBFM with my own response summary. CBFM has had a nil return for the names contained in GRM TER 29\_05\_03.

 Response Summary  
GRM TER 29-05...  
 GRM TER 29\_05\_03  
Search Return...

Kind Regards

Guy

**Guy Cole**  
CBFM Compliance MLPU  
The Royal Bank of Scotland  
135 Bishopsgate, London, EC2M 3UR  
T (020) 7375 5433  
F (020) 7375 4641  
<mailto:Guy.Cole@rbos.com>

-----Original Message-----

**From:** Nell, Dedrei (Group Risk Mgmt) (RBS)  
**Sent:** 29 May 2003 18:05  
**To:** BRENER, Alan (RBS); Richardson, Lesley (RBS); PIPER, Alan, RBSGIFS; Grierson, John (RBS); Bishop, Stephen, Coutts; 'robert.irvine@ulsterbank.com'; 'Ken.Turbitt@citizensbank.com'; 'peter.atkinson@directline.com'; McKay, Dave (Ops Risk) (RBS); RODGER, Irvine, CBFM Compliance; Webb, Richard (Bancassurance) (RBS); Webb, Richard (RIS Compliance)(RBS)  
**Cc:** Wilson, Martin, (Group Chief Executive Ulster Bank); 'annette.court@directline.com'; 'duncan.mackechnie@directline.com'; Higgins, Benny (RBS); Stewart, Dunlop (RBS); Lestiuk, Lydia (RBS); Fisher, Mark (Chief Exec. Manufacturing) (RBS); 'jimpaton@rbsint.com'; 'ray.entwistle@adambank.com'; CARPENTER, Ben, GCM; LEVINE, Jay, GCM; Pell, Gordon (RBS); McCarthy, Letitia (Group Risk Mgmt) (RBS); McKenzie, Arlene (Group Risk Mgmt) (RBS); Middlemist, Graham (Group Risk Mgmt) (RBS); Pitcairn, Brian (Group Risk Mgmt) (RBS); Williamson, Finlay F (RBS); Beattie, Charles (IFS) (RBS); Richardson, Peter (Op Risk) (RBS); Williams, Tony (HR) (RBS); Roden, Neil (RBS); Roberts, Jonathon (Retail Credit) (RBS); ROWLAND, Lynn, (CBFM); Pyrke, Nick (RBS); Trantum, Neil (RBS); Feachen, David (RBS); JACKSON, Caroline, (RBS) COMP; RAY, Gary, Lombard; CLEMENT, Terry, Lombard; BOWEN, Neil, Lombard; BINKS, Martin, MDO-NWS; CROWE, Brian, FM; GOLDFARB, Sheldon, GCM; HIGGINBOTTOM, Simon, FM Compliance; Brunner, Hanspeter, Coutts; 'Marion.Bolster@citizensbank.com'; 'Glenna.Scaramozza@CITIZENSBANK.com'; 'carole.lyons@directline.com'; 'Jackie.Henderson@directline.com'; Hoseason, Michael (Group Fraud) (RBS); FOGLE, Edward, GCM; LEWIS, Derek, Lombard; Craft, Peter (RBS); Harrison, Keith, Coutts; Mackie, Richard (RBS); BAYLISS, Mark, (RBS) COMP; Sludden, Tom (RBS); Gayle, Sonia (Group Risk Mgmt); FOSTER, Stephen James, Group Risk Mgmt; Brand, Derek (RBS); Sanders, Stephen, (Group Risk Mgmt)(RBS); HEMSLEY, Julie, (RBS) COMP; Gillespie, David; Grant, Michael (RBS); TURNER, Amanda, Group Risk Mgmt; SIMS, Claire, CBFM Compliance; Smith, Stephen, Coutts; CAMERON, John A N (CBFM); 'Carolyn.Book@CITIZENSBANK.com'  
**Subject:** Sanctions & Terrorist Financing: New RBS Group Search Request - GRM TER 29\_05\_03  
**Importance:** High

Please find attached to this email:

**GRM TER 29\_05\_03 Search Return**

This document contains further information against which all Group business areas must search their records.

In respect of this document, please ensure that the necessary due diligence is completed and the **result** (nil or positive return) is returned to Group Risk Management (fao: Stephen Foster, Head of Anti-Money Laundering Compliance) **by 16 June 2003**.

Please take note that we have simplified the sign-off process. Certification by the Designated Senior Management is now only required when you do the quarterly consolidated search. We will ask you to certify at that time that you have undertaken both the routine quarterly search and any other searches you have been asked to perform in the period. The certification of this search will be covered by the Q2 May 03 certification, for which a request will be issued in the near future.

Once again, thank you for your continued patience and assistance in this matter.

<< File: GRM TER 29\_05\_03 Memorandum.doc >> << File: GRM TER 29\_05\_03 Search Return.xls >>

**NOTE - Please note that the pre-populated Excel file ('GRM TER 29\_05\_03 Search Return') is suitable for use in all future returns under GRM TER 29\_05\_03.**

**Regards  
Dedrei Nell**

Group Risk Management  
5th Floor, 280 Bishopsgate, London, EC2M 4RB  
Tel: 020 7334 1460  
Int: 7 6572 1460  
Fax: 020 7375 4813

\*\*\*\*\*  
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" Registered office: 36 St Andrew Square, Edinburgh EH2 2YB "  
" Regulated by the Financial Services Authority "  
\*\*\*\*\* "

**RBS Group Search Request - GRM TER 29\_05\_03**

	<b>Business Area</b>	<b>Primary Contact</b>	<b>Secondary Contact(s)</b>
<b>FM Sales &amp; Trading</b>	Group Reference Data (GRD) FM Sales & Trading FM Futures	Paul Barnett Claire McHugh Steve Luxton	Kevin Roberts/ Mark Kane Jo Sullivan James Alexander
	Treasury Reserve Centre	Sue Leigh	Jane Brereton
	Debt Structuring	Anthony Rodriguez	Tristram Sutton
	High Yield Origination	David Chu	Nick Street
<b>FM Capital Markets</b>	Primary Markets Origination Private Placements Securitisation Structured Credit Products Asset Finance	Jonathon Peberdy Teresa Di Falco Anil Idnani Cyrus Kateli Terry Clement	Dorothy Comery Jocelyn Monk Tristram Sutton Tristram Sutton Gary Ray
	Global Trade Services	Karen Cross	Leslie Whiting
<b>Corporate Bank</b>	Global Travel Money Services Equity Finance RBSCS & ESF Star Capital Trustee & Depositary Services (TDS)	Ian McCall Ian McGillivray David Isaacs Martina Lyons Jim Neville	Jim Gold Rachel Gallagher Sue Titcombe Leigh-Ann Summers Caroline Guy/ Grant Chambers
<b>Overseas Branches /Businesses</b>	Europe Asia Pacific	Chris Hunt William Thomson	Helen Savvides Christopher Chee

Response by	Date	Matched Items
Paul Barnett	3-Jun-03	Nil
Jo Sullivan	10-Jun-03	Nil
Steve Luxton	2-Jun-03	Nil
Sue Leigh	4-Jun-03	Nil
Anthony Rodriguez	3-Jun-03	Nil
David Chu	3-Jun-03	Nil
Dorothy Comery	2-Jun-03	Nil
Teresa Di Falco	2-Jun-03	Nil
Anil Idnani	16-Jun-03	Nil
Cyrus Kateli	2-Jun-03	Nil
Terry Clement	12-Jun-03	Nil
Leslie Whiting	10-Jun-03	Nil
Jim Gold	3-Jun-03	Nil
Ian McGillivray	2-Jun-03	Nil
David Isaacs	11-Jun-03	Nil
Martina Lyons	16-Jun-03	Nil
Jim Neville	10-Jun-03	Nil
Helen Savvides	11-Jun-03	Nil
Christopher Chee	9-Jun-03	Nil

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RBSG Sanctions & Terrorist Financing Return

**Title:** Terrorist Financing: List of Suspects  
**GRM search ref:** GRM TER 29\_05\_03  
**Business area:** CBFM

Search Item:	Source	Last Name/ Entity Name	First Name	Other names	Place of Birth
	Bank of England, Office of Foreign Assets Control (SDGT)	AL-AQSA FOUNDATION			

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06/16/2003

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Date of Birth	Address	Individual?	Other information	Last name	First name	Other names	Place of Birth	Search Return(s):
	(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No		Nil	Nil	Nil	Nil	
	(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No	A.k.a. for AL-AQSA FOUNDATION	Nil	Nil	Nil	Nil	

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NW 050727

Date of Birth	Address	Other information	Business sub-area	CRN / CIS	Account details	Bank Sort Code	Account activities
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

HIGHLY CONFIDENTIAL

Confidential

Bank of England,  
Office of Foreign Assets Control (SDGT)

AL-AQSA CHARITABLE  
FOUNDATION

Bank of England,  
Office of Foreign Assets Control (SDGT)

SANABIL AL-AQSA  
CHARITABLE FOUNDATION

Bank of England,  
Office of Foreign Assets Control (SDGT)

AL-AQSA SINABIL  
ESTABLISHMENT

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(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No	A.k.a. for AL-AQSA FOUNDATION	Nil	Nil	Nil	Nil
(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No	A.k.a. for AL-AQSA FOUNDATION	Nil	Nil	Nil	Nil
(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No	A.k.a. for AL-AQSA FOUNDATION	Nil	Nil	Nil	Nil

Confidential

Nil Nil Nil Nil Nil Nil Nil

Nil Nil Nil Nil Nil Nil Nil

Nil Nil Nil Nil Nil Nil Nil

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Bank of England,  
Office of Foreign Assets Control (SDGT)

AL-AQSA CHARITABLE  
ORGANIZATION

Bank of England,  
Office of Foreign Assets Control (SDGT)

CHARITABLE AL-AQSA  
ESTABLISHMENT

Bank of England

MU'ASSA AL-AQSA AL-  
KHAYRIYYA

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(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No	A.k.a. for AL-AQSA FOUNDATION	Nil	Nil	Nil	Nil
(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No	A.k.a. for AL-AQSA FOUNDATION	Nil	Nil	Nil	Nil

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Nil Nil Nil Nil Nil Nil Nil

Nil Nil Nil Nil Nil Nil Nil

Nil Nil Nil Nil Nil Nil Nil

Confidential

Bank of England,  
Office of Foreign Assets Control (SDGT)

MU'ASSA SANABIL AL-AQSA  
AL-KHAYRIYYA

Bank of England,  
Office of Foreign Assets Control (SDGT)

AQSSA SOCIETY

Bank of England,  
Office of Foreign Assets Control (SDGT)

AL-AQSA ISLAMIC  
CHARITABLE SOCIETY

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(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No	A.k.a. for AL-AQSA FOUNDATION	Nil	Nil	Nil	Nil
(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No	A.k.a. for AL-AQSA FOUNDATION	Nil	Nil	Nil	Nil
(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No	A.k.a. for AL-AQSA FOUNDATION	Nil	Nil	Nil	Nil

Confidential

Nil Nil Nil Nil Nil Nil Nil

Nil Nil Nil Nil Nil Nil Nil

Nil Nil Nil Nil Nil Nil Nil

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Bank of England,  
Office of Foreign Assets Control (SDGT)

ISLAMIC CHARITABLE  
SOCIETY FOR AL-AQSA

Bank of England

CHARITABLE SOCIETY TO  
HELP THE NOBLE AL-AQSA

Bank of England

NUSRAT AL-AQSA AL-  
SHARIF

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(a) Al-Aqsa E.V., Kappellenstrasse 36, D-52066, Aachen, Germany (Head Office); (b) Stichting Al-Aqsa, Gerrit V/D Lindestraat 103 A (or E), 3022 TH, Rotterdam, Holland (Branch); (c) Foreningen Al-Aqsa, P.O. Box 6222200KBKN, Copenhagen (Denmark Branch); (d) Al-Aqsa (ASBL) BD Leopold II 71, 1080 Brussels, Belgium (Branch); (e) Aqssa Society – Yemen, P.O. Box 14101, San'a (Branch); (f) Noblev (a.k.a. Nobelvagen) 79 NB, 21433 Malmo (Sweden Branch); (g) PO Box 421083 (and/or 421082), 2nd floor, Amoco Gardens, 40 Mint Road, Fordsburg 2033, Johannesburg, South Africa (Branch); (h) P.O. Box 2364, Islamabad, Pakistan (Branch)	No	A.k.a. for AL-AQSA FOUNDATION	Nil	Nil	Nil	Nil
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Nil Nil Nil Nil Nil Nil Nil

Nil Nil Nil Nil Nil Nil Nil

Nil Nil Nil Nil Nil Nil Nil

**EXHIBIT 67 to Declaration of Joel Israel**

**In The Matter Of:**

*TZVI WEISS, et al - NATAN APPLEBAUM, et al v.  
NATIONAL WESTMINSTER BANK, PLC.,*

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*GUY COLE*

*June 8, 2010*

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*European Deposition Services  
59 Chesson Road  
London W149QS  
England  
United Kingdom*

HIGHLY CONFIDENTIAL		Page 1	HIGHLY CONFIDENTIAL		Page 3
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4	- - - - -		4	CROSS-EXAMINATION BY MR. BLACKMAN: .. . . . .	147
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6	against		6	INDEX OF EXHIBITS	
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1	A P P E A R A N C E S		1	THE VIDEOGRAPHER: This is the beginning of	
2	For Plaintiff Tzvi Weiss:		2	tape one in volume one of the deposition of Guy Cole,	
3	STEPHEN SCHWARTZ, ESQ.		3	in the matter of Tzvi Weiss et al, plaintiffs, against	
4	Kohn, Swift & Graf PC		4	National Westminster Bank plc, defendants. This is	
5	One South Broad Street, Suite 2100		5	case number 1:05-cv-04622 (DTG) (MDG) and also Natan	
6	Philadelphia, Pennsylvania 19107-3304		6	Applebaum et al, Plaintiffs, against National	
7	Tel: 419 246 0528		7	Westminster Bank plc, this case number being	
8	For Plaintiff Natan Applebaum:		8	1:07cv00916 (DTG)(MDG). This matter is before the	
9	JOEL L. ISRAEL		9	United States District Court, Eastern District of New	
10	Sayles & Werbner		10	York.	
11	4400 Renaissance Tower		11	Today's date is 8 June, 2010 the time is	
12	1201 Elm St.		12	9:10 am. This deposition is taking place at the	
13	Dallas, Texas 75270		13	offices of Cleary Gottlieb in London. The court	
14	Tel: 214 939 8763		14	reporter is Ailsa Williams, the videographer is Simon	
15	For Defendant National Westminster Bank, PLC:		15	Addinsell, both from European Deposition Services.	
16	JONATHAN I. BLACKMAN ESQ.		16	Could counsel please introduce themselves	
17	Cleary, Gottlieb, Steen & Hamilton LLP		17	for the record, stating what company they are with and	
18	One Liberty Plaza		18	who they represent in this matter, please.	
19	New York, NY 10006-1470		19	MR. SCHWARTZ: My name is Stephen Schwartz	
20	Tel: 302 351 9415		20	with the law firm of Kohn, Swift & Graf, Philadelphia,	
21	Also Present:		21	Pennsylvania, United States of America, representing	
22	COURT REPORTER:		22	the Weiss plaintiffs.	
23	AILSA WILLIAMS		23	MR. ISRAEL: Joel Israel, Sayles Werbner,	
24	European Deposition Services		24	here on before of Applebaum plaintiffs.	
25	59 Chesson Rd		25	MR. BLACKMAN: Jonathan Blackman, Cleary	
	London, W14 9QS				
	Telephone: 44 (020) 7385 0077				
	VIDEOGRAPHER: SIMON ADDINSELL				

HIGHLY CONFIDENTIAL	Page 9	HIGHLY CONFIDENTIAL	Page 11
<p>1 First Boston?</p> <p>2 A. No, when I was at RBS, Royal Bank of</p> <p>3 Scotland.</p> <p>4 Q. So did you leave Credit Suisse First</p> <p>5 Boston prior coming to RBS?</p> <p>6 A. Yes.</p> <p>7 Q. Maybe this is easier. When did you</p> <p>8 graduate with your Bachelors degree?</p> <p>9 A. 1999.</p> <p>10 Q. And what did you do between 1999</p> <p>11 and May 2003 when you came to work for RBS?</p> <p>12 A. I spent six months working for Invesco</p> <p>13 Asset Management in the City. Then I spent probably</p> <p>14 about four months working in the French Alps for a ski</p> <p>15 company. I came back and joined Credit Suisse First</p> <p>16 Boston. I left there probably December 2002 and</p> <p>17 in February 2003 I joined HBOS Treasury Services as</p> <p>18 a contractor to manage their remediation project for</p> <p>19 clients, KYC, know your customer. Then, I was in that</p> <p>20 role until May, when I joined RBS.</p> <p>21 Q. When you joined RBS in May of 2003, what</p> <p>22 was your first job?</p> <p>23 A. My first role was surveillance manager</p> <p>24 which is like an in team audit function, so like</p> <p>25 a second line of review from a risk perspective. So</p>		<p>1 Q. You started you said initially -- I hope</p> <p>2 I get this right -- in audit second line. Is that</p> <p>3 what you said?</p> <p>4 A. Well, no I started off in the money</p> <p>5 laundering prevention unit. That was the actual</p> <p>6 sub-team within compliance, and I was doing audit type</p> <p>7 activities, but my role was surveillance manager,</p> <p>8 which was or is an FSA term for reviewing things.</p> <p>9 Q. All right. So you were in the money</p> <p>10 laundering prevention unit?</p> <p>11 A. Yes.</p> <p>12 Q. And what you would be doing would be</p> <p>13 reviewing what others have filed, other kinds of</p> <p>14 suspicious reports?</p> <p>15 MR. BLACKMAN: Objection, lack of</p> <p>16 foundation.</p> <p>17 MR. SCHWARTZ: I am not asking that very</p> <p>18 well, Mr. Blackman is correct. I am trying to clarify</p> <p>19 what it is exactly you did, not a trick question. So</p> <p>20 you said you were the second line, you were reviewing</p> <p>21 what others had done. So what kind of work were you</p> <p>22 reviewing?</p> <p>23 A. At that time I think NatWest had just</p> <p>24 been fined by the FSA for poor records for KYC, or</p> <p>25 actually it was RBS, and so what there was was</p>	
HIGHLY CONFIDENTIAL	Page 10	HIGHLY CONFIDENTIAL	Page 12
<p>1 you would have the business checking themselves, then</p> <p>2 we check the business, then audit would check</p> <p>3 everybody else, so I was the second area.</p> <p>4 Q. What kind of things would you check?</p> <p>5 A. We were checking businesses under the</p> <p>6 team's responsibility, that they were following</p> <p>7 procedures and processes correctly for money</p> <p>8 laundering, so KYC processes predominantly.</p> <p>9 Q. Were you in a particular department at</p> <p>10 RBS?</p> <p>11 A. Yes, it would have been the corporate</p> <p>12 banking and financial markets compliance department.</p> <p>13 That is what its name is.</p> <p>14 Q. Approximately how many other people, if</p> <p>15 you know the answer to this question, about how many</p> <p>16 other people were in the CBFM compliance department at</p> <p>17 that time, I mean in compliance roles, not</p> <p>18 secretaries.</p> <p>19 A. Approximately, it would be a global</p> <p>20 function, so I would probably say 70 or 80.</p> <p>21 Q. When you say "a global function", what</p> <p>22 do you mean?</p> <p>23 A. So that the head of our department had</p> <p>24 global responsibility for the compliance teams around</p> <p>25 the world.</p>		<p>1 a project to review all client KYC to make sure it met</p> <p>2 the legal requirements to know our client properly</p> <p>3 under the law.</p> <p>4 So the project was coming to near the end, the</p> <p>5 conclusion, then we went or I went in to check, on</p> <p>6 a sampling basis, to make sure that different offices around</p> <p>7 the country had actually done what they said they were doing</p> <p>8 and had met the requirements.</p> <p>9 Q. Were there standards in place for what</p> <p>10 they were supposed to be doing?</p> <p>11 A. It would have been the bank's policy at</p> <p>12 the time, yes.</p> <p>13 Q. And in order to prepare yourself did you</p> <p>14 learn the bank's policies for the MLPU?</p> <p>15 A. I had copies of policies, yes.</p> <p>16 Q. Did you have any background in money</p> <p>17 laundering prevention prior to starting at RBS?</p> <p>18 A. Yes.</p> <p>19 Q. What was that?</p> <p>20 A. As CSFB, when I worked for the MLRO,</p> <p>21 money laundering reporting officer.</p> <p>22 Q. When did you get the diploma from the</p> <p>23 compliance association, International Compliance</p> <p>24 Association?</p> <p>25 A. I think it would be 2005.</p>	

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<p>1 Q. And you understand that is part of the 2 United States Treasury? 3 A. Yes. 4 Q. And you are aware that OFAC has 5 a sanctions list, is that correct? 6 A. Yes. 7 Q. As part of your job, 2003 to 2005, did 8 you review the OFAC list as it came to the bank? 9 A. No. 10 Q. So did you familiarize yourself with the 11 OFAC list? 12 A. Not directly, no. Possibly at some 13 points, but it was not my responsibility to. 14 Q. Whose responsibility was it? 15 A. Group's. 16 Q. So it was not CBFM's responsibility at 17 all? 18 A. In relation to the sanction searches, 19 no. 20 Q. Why don't you describe what the sanction 21 searches involved? 22 A. Group would issue a list, internal 23 blacklist, which include Bank of England names and any 24 OFAC names or other names that they required to put on 25 the list, which I think at that time would have been</p>		<p>1 A. Stephen Foster, yes, I remember. I know 2 Stephen Foster, yes. 3 Q. Was he at group enterprise risk at this 4 time? 5 A. Yes. 6 Q. What about Irvine Rodger? 7 A. No, he was my direct line manager. 8 Q. He was in your department? 9 A. Yes. 10 Q. Was he senior to you? 11 A. Yes. 12 Q. Is he still at RBS in its current form? 13 A. Yes. 14 Q. Is he still in CBFM compliance? 15 A. Well, the division that was CBFM, yes. 16 Q. Is he like the head now of CBFM 17 compliance? 18 A. No. 19 Q. During the 2003 to 2005 period, if you 20 can remember, what was Mr. Rodger's role at that time? 21 A. He was the head of the MLPU, so the 22 money laundering prevention unit. 23 Q. Was he your boss? 24 A. Yes. 25 Q. Was he also the person to whom you</p>	
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<p>1 some of the OFAC names, not all of the OFAC names, and 2 then when there was an update to those sources they 3 would send a search request out, an Excel document, to 4 all the businesses, points of contacts within the 5 division saying: "Could you confirm whether you have 6 any clients on this list". Then I would respond for 7 the business or for the databases that I was 8 responsible for. 9 Q. So you received your lists then from 10 senior people at the bank, is that correct? 11 A. Well, from a group function, yes. 12 Q. And do you know what group function did 13 you receive it from? 14 A. Yes, group enterprise risk or group risk 15 management. Their name changes but it was group risk 16 management. 17 Q. Did you have a contact at group 18 enterprise risk with whom you dealt? 19 A. There were various contacts, yes. 20 Q. Can you name some of them, please? 21 A. Probably Ben Norrie, and that is 22 probably the only one I recall, but I can remember 23 different people, but Ben Norrie is one I would 24 remember the most. 25 Q. Do you remember the name Stephen Foster?</p>		<p>1 directly reported? 2 A. Yes. 3 Q. You said there were about 70 people at 4 your department at that time, is that correct? 5 A. In the compliance department? 6 Q. CBFM MLPU? 7 A. No, in the compliance department. 8 Q. In the compliance department, which is 9 a division of CBFM MLPU? 10 A. No. MLPU is a team within the 11 compliance department, was a team within the 12 compliance department. 13 Q. Between 2003 and 2005? 14 A. I think the name got disbanded at the 15 end of last year. 16 Q. End of last year? 17 A. Yes. 18 Q. So you were on the MLPU team within the 19 group compliance or CBFM compliance? 20 A. CBFM compliance. 21 Q. And how many people were part of the, 22 approximately, the MLPU team within CBFM group 23 compliance? 24 A. Within the CBFM division -- compliance 25 was a division -- there would have been probably less</p>	

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<p>1 don't I ask it this way. Let me say, first of all, 2 what is your understanding of what terrorism is? Can 3 you provide me with your understanding?</p> <p>4 MR. BLACKMAN: I object to lack of 5 foundation. I don't think you have established any 6 competence of Mr. Cole to discuss --</p> <p>7 MR. SCHWARTZ: Let me address that. You 8 said that prevention of terror financing was part of 9 your job. Is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. So, how did you do the job of preventing 12 terror financing?</p> <p>13 A. When you were looking at your clients in 14 the business, you don't know the predicate activity or 15 the subsequent activity of what those clients are 16 doing. You are looking at those clients. So money 17 laundering prevention is to do with the proceeds of 18 crime. Terrorist/terrorism aspect would be where we 19 are checking for clients who are on the Bank of 20 England or whatever other list as terrorists, but at 21 the same time we are just monitoring our clients for 22 any activities which are deemed suspicious against any 23 sort of any financial crime related sort of to 24 legislation in the UK, but not fraud. We would not 25 cover fraud activities.</p>		<p>1 thing was to look for things out of the ordinary, is 2 that correct, and that figuring out what it might be 3 was the second stage. Is that correct?</p> <p>4 A. You were discussing about how would you 5 form suspicion. A suspicion is normally formed by 6 finding something unusual and then investigating it 7 further.</p> <p>8 Q. Okay. Is "unusual" something for which 9 there is objective guidance within the bank? Do you 10 understand what I am asking? If I say what is 11 unusual, can you give me a list of things that were 12 deemed unusual?</p> <p>13 A. No, I wouldn't be able to give you 14 a list now but it would be red flags. There may be 15 red flags which could mean that there is something 16 suspicious happening, but predominantly we would rely 17 on the bank's staff knowing their client and knowing 18 what is out of the ordinary. We would also rely on 19 the automated systems that monitored account 20 movements.</p> <p>21 Q. Can you give me examples of what might 22 be out of the ordinary, the sort of red flags you are 23 talking about?</p> <p>24 A. Clients wishing to deposit an awful lot 25 of cash or withdraw a lot of cash.</p>	
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<p>1 Q. You say monitoring the clients for 2 anything deemed suspicious. So what would you deem 3 suspicious if you were looking for -- if you were 4 considering taking an interest in terror financing, 5 what would you deem suspicious?</p> <p>6 A. Suspicion is normally the second stage. 7 It is looking for something unusual. Is that client 8 acting out the ordering to other clients? Are they 9 doing what we expect them to be doing with their 10 account. At that stage you start saying: "What could 11 this be?" We would not go out particularly looking 12 for terror financing but we would look at the client, 13 unless we were tipped off to say there is a potential 14 risk here. We would look at all clients and then just 15 look for what was unusual, et cetera, but, you know, 16 as I said, our unit is primarily about advising on 17 clients that came in and doing the KYC and dealing 18 with escalated issues. It was not our role day-to-day 19 to monitor accounts across the bank. That was an 20 automated system in manufacturing.</p> <p>21 Q. So the things that you worked on, were 22 they mostly referred to you from other parts of the 23 bank?</p> <p>24 A. Yes.</p> <p>25 Q. You said in the first stage the first</p>		<p>1 Q. So large movements of cash; those are 2 red flags?</p> <p>3 A. That is one of the many, yes.</p> <p>4 Q. What are others?</p> <p>5 A. Could be a client from a high risk 6 jurisdiction, could be a client asking for an 7 uncommercial transaction where they are not actually 8 going to make any money. It could be a very 9 convoluted ownership structure to an AC. There is 10 various red flags.</p> <p>11 Q. High risk jurisdiction? Are there 12 particular jurisdictions that are high risk?</p> <p>13 A. From a money laundering perspective, 14 yes.</p> <p>15 Q. Can you name some of them?</p> <p>16 A. Anybody that was on the NCCT list, 17 noncooperative countries and territories. So Nigeria 18 at that time. Russia probably at that time. 19 Countries where they didn't have proper anti-money 20 laundering regimes, the banks would not be complying 21 with the same standard or global standards, therefore 22 money or clients coming from those jurisdictions we 23 would not have much assurity about the origin of their 24 funds, et cetera.</p> <p>25 Q. Were there particular red flags that</p>	

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<p>1 division, so these were the people perhaps in the call 2 centers and people handling documentation opening up 3 accounts, processing the payments, which would have 4 been the instructions, anything -- technology for the 5 group would be owned by manufacturing.</p> <p>6 Q. This chain of e-mails is asking 7 questions about the client named Interpal, is that 8 correct?</p> <p>9 A. It appears to be, yes.</p> <p>10 Q. And you know that this case concerns, 11 among other things, activities of Interpal within the 12 bank or the bank's representation of the customer, 13 Interpal?</p> <p>14 A. What is the question?</p> <p>15 Q. The question is, is it your 16 understanding that this case concerns Interpal?</p> <p>17 A. This e-mail or the whole --</p> <p>18 Q. The whole case?</p> <p>19 A. The case we are sat here for, yes.</p> <p>20 Q. It says here, Fiona Miller says: 21 "In similar cases in the past the customer 22 owning compliance function has been responsible for 23 monitoring".</p> <p>24 So the customer owning compliance function 25 in the case of Interpal was CBFM, is that correct?</p>		<p>1 A. It is unlikely.</p> <p>2 Q. I am wondering how it would be that --</p> <p>3 do you know why Fiona Miller mentioned you in addition 4 to Irvine Rodger, as opposed to other people within 5 your unit?</p> <p>6 A. No, I don't, no. Well, I could presume 7 one thing if you want.</p> <p>8 MR. BLACKMAN: Don't guess.</p> <p>9 Q. I am sorry, what were you going to say?</p> <p>10 MR. BLACKMAN: He was going to guess and I 11 was of instructing him not to.</p> <p>12 MR. SCHWARTZ: I don't know whether he was 13 going to guess.</p> <p>14 MR. BLACKMAN: Do you have any knowledge or 15 were you just going to speculate?</p> <p>16 MR. SCHWARTZ: Excuse me, Mr. Blackman --</p> <p>17 MR. BLACKMAN: Surely you want information, 18 not guesses.</p> <p>19 MR. SCHWARTZ: I want his answer without you 20 coaching him is what I want, Mr. Blackman.</p> <p>21 A. The answer I was going to give was 22 possibly on the same distribution list for the group 23 search requests, so she may have seen my name as 24 a recipient for the division on another e-mail.</p> <p>25 Q. Okay. Mr. Cole, I am going to ask the</p>	
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<p>1 A. Yes.</p> <p>2 Q. And that remained the same, 2003 to 3 2005?</p> <p>4 A. Yes.</p> <p>5 Q. This e-mail asks the question at the 6 very top, the one that is sent to you: "Is the 7 monitoring of payment traffic as outlined by Stephen 8 possible here?"</p> <p>9 Do you remember receiving that question?</p> <p>10 A. No, I don't remember receiving that 11 question.</p> <p>12 Q. Do you remember responding?</p> <p>13 A. No, I don't remember responding to the 14 question.</p> <p>15 Q. Do you know whether you did respond?</p> <p>16 A. I don't believe I did.</p> <p>17 Q. There is a document later on saying you 18 only just got involvement. We will look at that 19 but --</p> <p>20 MR. BLACKMAN: Ask him about it.</p> <p>21 Q. -- to the best of your knowledge, you 22 did not respond to this question?</p> <p>23 A. To the best of my knowledge, yes.</p> <p>24 Q. Do you know, at this time, did you know 25 Fiona Miller?</p>		<p>1 reporter to mark as Cole Exhibit 2 a document that has 2 been Bates numbered NW66732 through 739. 3 (Exhibit Cole 2 marked for identification)</p> <p>4 Mr. Cole, have you had a chance to review this 5 document?</p> <p>6 A. Yes, I have.</p> <p>7 Q. Have you ever seen this document before?</p> <p>8 A. Yes, I should have done. Well, yes.</p> <p>9 Q. Do you remember seeing this document 10 before?</p> <p>11 A. Yes.</p> <p>12 Q. This appears to be an e-mail chain. 13 A number of e-mails involve you. Is that a correct 14 description?</p> <p>15 A. There appear to be, yes.</p> <p>16 Q. Let's start first of all on the first 17 page of this, there is what appears to be a document 18 attachment. Of do you see that, "Doc1.doc".</p> <p>19 A. Yes.</p> <p>20 Q. Can you look please at Bates number 21 66736 through 739.</p> <p>22 A. Sorry, which?</p> <p>23 Q. The last 4 pages of this.</p> <p>24 A. Yes.</p> <p>25 Q. Are these pages, these last 4 pages, are</p>	

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<p>1 they Doc1.doc?</p> <p>2 A. I believe they would be, yes.</p> <p>3 Q. So then you created these last 4 pages,</p> <p>4 is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. You remember doing that?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Let's take a look, please, at</p> <p>9 66735. Mr. Norrie -- you said you know Mr. Norrie, is</p> <p>10 that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And he is at Mr. Foster's group, is that</p> <p>13 correct?</p> <p>14 A. In his team, yes.</p> <p>15 Q. He says to you:</p> <p>16 "You may remember the matches we have previously</p> <p>17 reported to the Bank of England against Interpal and its</p> <p>18 various AKA's."</p> <p>19 At the time you received this, April 2004, did you</p> <p>20 in fact remember the matches that had been reported, as</p> <p>21 Mr. Norrie expected apparently?</p> <p>22 A. No.</p> <p>23 Q. You had no knowledge of the Interpal</p> <p>24 account at that time?</p> <p>25 A. I don't believe I did, no.</p>		<p>1 Q. In the act of producing Doc1.doc, did</p> <p>2 you look to see whether work like that had been done</p> <p>3 previously?</p> <p>4 A. I expect I would have looked in</p> <p>5 goalkeeper.</p> <p>6 Q. But you don't remember, is that correct?</p> <p>7 A. Yes, I don't remember.</p> <p>8 Q. So to the best of your knowledge you</p> <p>9 don't know whether any enhanced due diligence had been</p> <p>10 put in place prior to what you did?</p> <p>11 A. At that time, well, yes, I wouldn't</p> <p>12 know. Sorry, could you repeat that question? I was</p> <p>13 reading.</p> <p>14 Q. You said you are not sure what I mean by</p> <p>15 enhanced due diligence and I don't mean anything other</p> <p>16 than what Mr. Norrie means, Mr. Norrie asked you?</p> <p>17 MR. BLACKMAN: He is not Mr. Norrie.</p> <p>18 Q. I understand, but Mr. Norrie asked you</p> <p>19 the question whether enhanced -- so apparently</p> <p>20 Mr. Norrie expected you to understand what he was</p> <p>21 talking about. Maybe you did not?</p> <p>22 A. No.</p> <p>23 Q. Did you understand what he was asking:</p> <p>24 "Can you investigate whether any enhanced due</p> <p>25 diligence has been put in place." Did you understand</p>	
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<p>1 Q. Further down Mr. Norrie says:</p> <p>2 "Can I ask you to investigate whether any enhanced</p> <p>3 due diligence has been put in place over these accounts (not</p> <p>4 sure the above was communicated, therefore suspect not) and</p> <p>5 if not take steps to ensure that measures are put in place."</p> <p>6 Did you investigate whether any enhanced due</p> <p>7 diligence had been put in place over the Interpal accounts?</p> <p>8 A. I wouldn't be able to recall without</p> <p>9 looking at this document.</p> <p>10 Q. Sorry?</p> <p>11 A. I would not be able to recall this event</p> <p>12 without -- today, so the only thing I have got to go</p> <p>13 on is this document.</p> <p>14 Q. Okay.</p> <p>15 A. I wouldn't remember that precise e-mail.</p> <p>16 Q. Can you tell from this document whether</p> <p>17 enhanced due diligence had been put in place?</p> <p>18 A. Well, it depends what you define as</p> <p>19 "enhanced due diligence". By the end of this document</p> <p>20 I had done enhanced due diligence because I had done</p> <p>21 a review, so by the end of this e-mail chain there has</p> <p>22 been enhanced due diligence.</p> <p>23 Q. So by May 2004 what you did producing</p> <p>24 Doc1.doc, that was enhanced due diligence?</p> <p>25 A. Yes.</p>		<p>1 what he was asking you to look for?</p> <p>2 A. I presume he would have said: "Can you</p> <p>3 look around to see what extra work has been done on</p> <p>4 this case, this client."</p> <p>5 Q. So you presume that is what he meant?</p> <p>6 A. Yes.</p> <p>7 Q. Do you remember whether you called him</p> <p>8 to ask him what he meant?</p> <p>9 A. I can't recall that. I would presume</p> <p>10 I would have done but I can't recall.</p> <p>11 Q. But when you received this e-mail asking</p> <p>12 you to investigate, to investigate whether any</p> <p>13 enhanced due diligence has been put in place, did you</p> <p>14 understand what he asked?</p> <p>15 MR. BLACKMAN: That question was just asked</p> <p>16 and answered. You can answer it again.</p> <p>17 A. Yes, I did. I can presume what -- he</p> <p>18 wanted to see what extra due diligence had been put in</p> <p>19 place, so that is the question.</p> <p>20 Q. And do you remember what extra due</p> <p>21 diligence had been put in place, if any?</p> <p>22 A. I don't remember.</p> <p>23 Q. If you turn to 66734, in the middle of</p> <p>24 the page there is what appears to be an e-mail from</p> <p>25 you to Ben Norrie, dated May 6, 2004, starting with</p>	

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<p>1 months of debits on Interpal accounts."</p> <p>2 Do you see that sentence?</p> <p>3 A. Yes.</p> <p>4 Q. Then you say: "I have seen a couple of</p> <p>5 payments that warranted further investigation,</p> <p>6 particularly the below".</p> <p>7 Do you remember writing that?</p> <p>8 A. No.</p> <p>9 Q. Do you remember looking through the last</p> <p>10 six months of debits on Interpal accounts in May 2004?</p> <p>11 A. I wouldn't -- I don't know if I would</p> <p>12 remember that specific occasion but --</p> <p>13 Q. This letter, this e-mail, reflects that</p> <p>14 this is your introduction to the Interpal account, is</p> <p>15 that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Your first look at it?</p> <p>18 A. I think so, yes.</p> <p>19 Q. Did you do any research on the account</p> <p>20 prior to looking at the last six months of payments?</p> <p>21 A. As in looked at the account transactions</p> <p>22 do you mean? Do you mean the physical account or do</p> <p>23 you mean the relationship?</p> <p>24 Q. Let me ask it more generally then. This</p> <p>25 is now an account that has been sent to you for</p>		<p>1 any --</p> <p>2 A. So the relationship you mean? Did I do</p> <p>3 research on the relationship?</p> <p>4 Q. Yes.</p> <p>5 A. As the later e-mail shows then I believe</p> <p>6 so.</p> <p>7 Q. So it says you did some research on</p> <p>8 the --</p> <p>9 A. To review the beneficiaries of payments.</p> <p>10 Q. Do you do any research into Interpal</p> <p>11 itself on the internet?</p> <p>12 A. I would not recall. I would have</p> <p>13 expected I did, but I would rely on whatever is</p> <p>14 written here.</p> <p>15 Q. Would it have been -- you say this is</p> <p>16 the first time you did this, so I can't really ask you</p> <p>17 about common practice, so did you look into the</p> <p>18 goalkeeper system to see if there were any reports on</p> <p>19 Interpal?</p> <p>20 A. I don't recall, but if I had access at</p> <p>21 the time then I expect I would have done, but I don't</p> <p>22 recall doing it.</p> <p>23 Q. All right. Back at the document we</p> <p>24 looked at as Exhibit 3, that is this goalkeeper</p> <p>25 report, you have never seen this before in any form --</p>	
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<p>1 investigation, is that correct?</p> <p>2 A. It is to the -- well, as the e-mail</p> <p>3 chain says, Ben asked if we have done any enhanced</p> <p>4 due diligence. I am saying we cannot do any payment</p> <p>5 filtering. I have said, at whatever point, "Call data</p> <p>6 management". He has come back, and as I have said</p> <p>7 there I have not looked at this previously myself, and</p> <p>8 this is me just taking an interest in that client.</p> <p>9 Q. So when an account is assigned to you,</p> <p>10 like this one has been, what would you normally do</p> <p>11 first?</p> <p>12 A. Firstly, I don't think I would say this</p> <p>13 has been assigned to me. I am looking at it. You</p> <p>14 know, I have not taken ownership of the -- it depends</p> <p>15 what you mean by "assigned". Secondly, this is</p> <p>16 probably the only case where this scenario existed.</p> <p>17 I would not -- this is the only client I ever</p> <p>18 monitored in this regard, so it is not standard</p> <p>19 procedure.</p> <p>20 Q. All right. Did you do any kind of</p> <p>21 research on the account, besides looking at six months</p> <p>22 of transactions?</p> <p>23 A. You mean the account in our systems, did</p> <p>24 I do any research on it?</p> <p>25 Q. The customer, Interpal, did you do</p>		<p>1 A. No, I am saying --</p> <p>2 Q. -- as a document or as a computer?</p> <p>3 A. I am saying to you I don't recall seeing</p> <p>4 it.</p> <p>5 Q. You don't recall seeing it?</p> <p>6 A. It is about memory, not about ever</p> <p>7 seeing it.</p> <p>8 Q. Okay. If I look at the page marked</p> <p>9 8358, the top 60 percent of that page appears to be</p> <p>10 a list of accounts all held by Interpal. Is that</p> <p>11 a correct statement?</p> <p>12 A. It appears to be, yes.</p> <p>13 Q. When you did your research into the last</p> <p>14 six months of payments did you do it for all of these</p> <p>15 accounts?</p> <p>16 A. I would have done it, you know, I would</p> <p>17 have been working on this document, I would have</p> <p>18 looked in our back office system, looking at the</p> <p>19 relationship, and it would have shown you the accounts</p> <p>20 related to that relationship, and those are the</p> <p>21 accounts that I would have reviewed.</p> <p>22 Q. You would have reviewed all of them?</p> <p>23 A. Yes.</p> <p>24 Q. You see where it says about two-thirds</p> <p>25 of the way or three-quarters of the way down the list</p>	

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<p>1 it is them listed on that list, and I would have 2 reported it to the management. You know, although if 3 there is a payment beneficiary who was on a sanctions 4 list it would be in my report and that would be 5 considered by the group there to say, well, you know, 6 (i), if it was on there, would we report it, we would 7 report it to NCIS anyway, and (ii) we would then 8 consider whether we wanted to keep the relationship.</p> <p>9 Q. Okay. So you are saying that finding 10 the name on a sanction list you would have considered 11 substantiation?</p> <p>12 MR. BLACKMAN: Objection, misstates the 13 testimony.</p> <p>14 A. No.</p> <p>15 Q. Does that misstate your testimony?</p> <p>16 A. I would say that a source but not the 17 only source.</p> <p>18 Q. What other sources?</p> <p>19 A. Well, if I found anything from the 20 Metropolitan Police, say, listing them as a terrorist 21 organization, I would look at the sources as they came 22 up and then decide whether these were worthy enough to 23 report up to the management of the bank.</p> <p>24 Q. Okay. Did you review any sanctions 25 lists published by the country Israel?</p>		<p>1 Q. Do you have an understanding of the 2 purpose of the OFAC list, that is why does OFAC put 3 out a list of sanctioned entities?</p> <p>4 A. As in the purpose or the results of that 5 sort of thing? People are listed under different acts 6 in the US, like I don't know all the acts but dealing 7 with the NME and all those sort of acts, whatever they 8 are called, and there is different listings on there. 9 So you have, you know, there is various programs 10 against countries, against drug traffickers, against 11 terrorists, and each list or each entity there, the 12 programs do vary by, you know, the requirements vary 13 by program. Some is an asset freeze, some is to 14 reject the funds, et cetera, et cetera.</p> <p>15 Q. Okay. So I believe you have just 16 testified that different OFAC lists have different 17 purposes. Is that correct?</p> <p>18 A. They have different requirements.</p> <p>19 Q. Different requirements, and what do you 20 mean by "requirements"?</p> <p>21 A. I.e. if you pick up one of the OFAC 22 programs for, let's say, Iran, it will require US 23 institutions or US persons to do this, that and the 24 other, and there is a different program that tells 25 people to do different things. There is not</p>	
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<p>1 A. I wouldn't -- I have never use the 2 sanction list issued by Israel. If a name came up for 3 a Google and it came up with that site, then that 4 would have been reviewed, but predominantly the main 5 sanctions list source we used was the KYC check in the 6 third paragraph.</p> <p>7 Q. And what is the KYC check?</p> <p>8 A. There is an organization called 9 Complinet. It is an industry source for compliance 10 for regulatory issues and anti-money laundering. They 11 have direct feeds into the databases of numerous 12 regulators, Government bodies, enforcement agencies, 13 lists of politically exposed people, and basically it 14 is a very easy source to pick up all the major -- 15 watch lists and type in the name. It has got fuzzy 16 logic matching, so it would do variations of names 17 automatically. On that I am not sure whether it was 18 at the time but I think for instance, like SEBI in 19 India is on it. I am not sure when it started but the 20 securities exchange board in India is on it with their 21 enforcement actions and things like that. So it is 22 quite clear.</p> <p>23 Q. What about the OFAC lists? Are they on 24 there?</p> <p>25 A. Yes.</p>		<p>1 a standard response to the OFAC list.</p> <p>2 Q. Okay. My question, I am trying to find 3 out, do you have an understanding of what OFAC is 4 trying to accomplish by putting out lists?</p> <p>5 A. Probably political interests of the US, 6 the Government interests of the US.</p> <p>7 Q. Yes.</p> <p>8 A. That is what it is trying to achieve, 9 whatever the interests of the US Government are, that 10 is what it is trying to achieve.</p> <p>11 Q. Does OFAC have a list of suspected 12 terrorist entities?</p> <p>13 A. I don't know whether it uses the word 14 "suspected". It has got different designations. So 15 the designation that Interpal had, the FTO lists, 16 there is various lists.</p> <p>17 Q. Are you aware of the fact that OFAC -- 18 that Interpal was on an OFAC list?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know whether at this time, 21 May 20, 2004, Interpal was on that OFAC list?</p> <p>22 A. I believe it would have been, yes.</p> <p>23 Q. In fact, you reference it here, I 24 believe, on page 66733:</p> <p>25 "I realize due to the US terrorist</p>	

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<p>1 designation of Interpal ..."</p> <p>2 Do you see those words?</p> <p>3 A. Yes.</p> <p>4 Q. So you were aware at this time that the</p> <p>5 United States had designated Interpal an SGDT,</p> <p>6 specially designated global terrorist. Do you know</p> <p>7 that term?</p> <p>8 A. Yes.</p> <p>9 Q. So then, in regard to that list of</p> <p>10 specially designated global terrorists, do you have an</p> <p>11 understanding of what OFAC was trying to accomplish by</p> <p>12 putting out that list?</p> <p>13 A. It is not really something I can be</p> <p>14 judging on, you know, the reasons for each individual</p> <p>15 entry on that list or how that list is actually</p> <p>16 governed or anything else. You know, I am not in</p> <p>17 a position to advise or even judge it. I don't recall</p> <p>18 that level of detail.</p> <p>19 Q. All right. But the purpose of that</p> <p>20 list, the purpose of the OFAC list, do you have an</p> <p>21 understanding of why the Treasury puts that out?</p> <p>22 MR. BLACKMAN: Objection, asked and</p> <p>23 answered. He answered that question already.</p> <p>24 MR. SCHWARTZ: The answer is you don't know?</p> <p>25 A. No, I am saying I don't know all the</p>		<p>1 paragraph, besides the sign off, now we are on 66732,</p> <p>2 you write:</p> <p>3 "I am content to leave the sterling and euro</p> <p>4 accounts operating with the semi-annual review taking</p> <p>5 place for foreign payments made from the accounts.</p> <p>6 Consideration will need to be given regarding the</p> <p>7 operation of the US dollar account, as funds from this</p> <p>8 account will get frozen if they are transferred via</p> <p>9 a US domiciled/owned counterparty".</p> <p>10 Do you see those sentences?</p> <p>11 A. Yes.</p> <p>12 Q. Do you remember writing that?</p> <p>13 A. No. I can read it from this document.</p> <p>14 I can't remember.</p> <p>15 Q. You have no doubt that you did write</p> <p>16 that though?</p> <p>17 A. That is correct.</p> <p>18 Q. Is it your understanding -- look at the</p> <p>19 second sentence:</p> <p>20 "Consideration will need to be given</p> <p>21 regarding the operation of the US dollar account, as</p> <p>22 funds from this account will get frozen if they are</p> <p>23 transferred via a US domiciled/owned counterparty".</p> <p>24 What were you suggesting there?</p> <p>25 A. The closure of the account.</p>	
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<p>1 programs' list purposes. If you have a match on it</p> <p>2 then you review that program and the requirements of</p> <p>3 that program. So if there is an Iranian program there</p> <p>4 is serious actions, sanctions against a number of</p> <p>5 different countries and individuals. If there is a</p> <p>6 match on it, you review that match and read the</p> <p>7 background information for it.</p> <p>8 Q. What about the designation of Interpal?</p> <p>9 Do you have an understanding of why OFAC listed</p> <p>10 Interpal as a specially designated global terrorist?</p> <p>11 A. I am not privy to the US Government's</p> <p>12 information.</p> <p>13 Q. So the answer is "no"?</p> <p>14 A. No. I am sure at some point I would</p> <p>15 have read whatever the press releases would have been</p> <p>16 but I don't recall what they would have been.</p> <p>17 Q. In your trawls for information on the</p> <p>18 internet, if you had discovered that one of the names</p> <p>19 of the payees was listed on an OFAC list, would you</p> <p>20 have considered that substantiation and reported it?</p> <p>21 A. As you can see within the document I</p> <p>22 have reported basically for every entity the</p> <p>23 information I found, so if it was on the OFAC list it</p> <p>24 would have been reported.</p> <p>25 Q. Okay. If you look at the last</p>		<p>1 Q. You were suggesting to close the dollar</p> <p>2 account?</p> <p>3 A. Yes, you know, from my perspective, it</p> <p>4 would be. The consideration there is that we have got</p> <p>5 US correspondent banks and we don't want to damage</p> <p>6 those relationships or anything like that. We don't</p> <p>7 want to go out and breach US law or get our</p> <p>8 correspondence banks to breach US law. So there is no</p> <p>9 point sending funds to the US if we know it is going</p> <p>10 to get frozen.</p> <p>11 Q. So your understanding then was that if</p> <p>12 you closed the dollar account you are complying with</p> <p>13 US law?</p> <p>14 A. No. By closing the dollar account it</p> <p>15 will mean that the account won't -- no US entities</p> <p>16 will be needed to transact with the Interpal accounts,</p> <p>17 therefore they are not breaching US law.</p> <p>18 Q. And you considered that to be sufficient</p> <p>19 compliance with US law at the time, is that correct?</p> <p>20 MR. BLACKMAN: Objection to the form of the</p> <p>21 question, lack of foundation. There has been no</p> <p>22 testimony that NatWest was required to comply with the</p> <p>23 OFAC list, whatever that means.</p> <p>24 Q. Let me address Mr. Blackman's objection.</p> <p>25 You make a statement, you make a recommendation, which</p>	

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<p>1 you are saying now was to close the dollar account?</p> <p>2 A. That we should not transact through the</p> <p>3 US because of OFAC, listing of OFAC of Interpal, yes.</p> <p>4 Q. You said that would be so that your</p> <p>5 correspondent banks would not get in trouble with US</p> <p>6 law, et cetera?</p> <p>7 A. So that transactions actually go</p> <p>8 through, because they should not go through in the US.</p> <p>9 If they want to carry on doing business there is no</p> <p>10 point them doing any dollar account. Not only will it</p> <p>11 damage our relations with the US, it would mean all</p> <p>12 their money gets frozen as well, so their charities</p> <p>13 would not get any money either, so the beneficiaries.</p> <p>14 Q. Is it your understanding that taking the</p> <p>15 course of action that you recommend would constitute</p> <p>16 sufficient compliance with US law?</p> <p>17 MR. BLACKMAN: Objection to the form of the</p> <p>18 question, lack of foundation.</p> <p>19 MR. SCHWARTZ: Objection is stated. I would</p> <p>20 like an answer.</p> <p>21 MR. BLACKMAN: I want to have the record</p> <p>22 clear. You are asking the witness, who is not</p> <p>23 a lawyer, questions without any function about</p> <p>24 compliance with US law and when there has been no</p> <p>25 showing that NatWest is subject to any of these laws.</p>		<p>1 I would have expected we would have spoken about it.</p> <p>2 Q. Do you remember whether they agreed with</p> <p>3 you?</p> <p>4 A. If they disagreed with me then I would</p> <p>5 have done further work.</p> <p>6 Q. And you didn't do further work?</p> <p>7 A. At that time, yes.</p> <p>8 Q. You concluded they agreed with you?</p> <p>9 A. Yes, potentially they may have spoken to</p> <p>10 Irvine Rodger, because he is my line manager.</p> <p>11 Q. But you don't remember speaking to</p> <p>12 Irvine Rodger?</p> <p>13 A. I would have spoken to Irvine Rodger on</p> <p>14 this because he is my direct line manager, so I would</p> <p>15 have told him. This is quite a sensitive piece of</p> <p>16 work. I would have kept him fully briefed.</p> <p>17 Q. To the best of your knowledge, did</p> <p>18 Irvine Rodger agree with your recommendations?</p> <p>19 A. To the best of my knowledge, yes.</p> <p>20 Q. I am going to ask the reporter to mark</p> <p>21 as Cole Exhibit 8 a document that has been Bates</p> <p>22 numbered NW50050 through 50055.</p> <p>23 (Exhibit Cole 8 marked for identification)</p> <p>24 Please take a moment and read this, Mr. Cole.</p> <p>25 A. Okay.</p>	
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<p>1 MR. SCHWARTZ: I am asking for your</p> <p>2 understanding, Mr. Cole, and I would like an answer to</p> <p>3 my question. The objection is stated.</p> <p>4 A. Whose compliance, the US bank compliance</p> <p>5 or ours?</p> <p>6 Q. The bank, the NatWest Bank that you work</p> <p>7 for. My question is, is it your understanding that</p> <p>8 what you recommend constitutes sufficient compliance</p> <p>9 with US law?</p> <p>10 MR. BLACKMAN: By whom?</p> <p>11 MR. SCHWARTZ: By the bank.</p> <p>12 A. That was not my analysis or my judgment.</p> <p>13 Q. So what was your analysis and judgment?</p> <p>14 A. That if we send funds through the US</p> <p>15 they should get frozen by a US correspondent;</p> <p>16 therefore we shouldn't be sending dollars through the</p> <p>17 US for any transaction in dollars.</p> <p>18 Q. Did you ever speak to the addressees of</p> <p>19 this note, Stephen Foster and Ben Norrie, about your</p> <p>20 recommendation that you would be content to leave the</p> <p>21 sterling and euro accounts operating but you should</p> <p>22 close the dollar account? Did you ever speak to them</p> <p>23 subsequently about this?</p> <p>24 A. Yes, I would have expected that I would</p> <p>25 have done. I don't recall the conversations but</p>		<p>1 Q. Before we get to this I would like to</p> <p>2 ask you just one more question about the document we</p> <p>3 were previously looking at, which was Cole Exhibit 2.</p> <p>4 I asked you about on the first page the sentence</p> <p>5 starting with "Consideration will need to be given".</p> <p>6 We talked about how you recommended that they close</p> <p>7 the dollar account?</p> <p>8 A. That is how I have interpreted it today,</p> <p>9 yes. I don't say it there, do I?</p> <p>10 Q. That is correct. My question is do you</p> <p>11 recall seeking anyone's advice before making that</p> <p>12 recommendation?</p> <p>13 A. Not that I recall. But what I am saying</p> <p>14 is "consider". My recommendation is to consider,</p> <p>15 isn't it, so ...</p> <p>16 Q. In other words you are recommending</p> <p>17 "consider", that is what you are saying?</p> <p>18 A. That is what it says: "Consideration</p> <p>19 needs to be given." So all that is stating -- I am</p> <p>20 not recommending anything about the operation. I am</p> <p>21 saying "consideration will need to be given".</p> <p>22 Q. And my question was --</p> <p>23 A. -- did I seek any advice to say we</p> <p>24 should consider?</p> <p>25 Q. Consideration needs to be given?</p>	

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<p>1           MR. BLACKMAN: Question is vague. I object 2 to it.</p> <p>3           A. Can you rephrase the question?</p> <p>4           Q. Yes. Am I correct in stating that you 5 never found it to be fact that Interpal was 6 a terrorist organization, correct?</p> <p>7           A. Correct, I never saw any activity that 8 made me believe they were a terrorist organization.</p> <p>9           Q. And what sort of information would it 10 have taken for you to consider Interpal a terrorist 11 organization?</p> <p>12          MR. BLACKMAN: Objection, calls for 13 hypothetical. Speculation. You may answer if you 14 can.</p> <p>15          A. The purpose of my reviews was to look at 16 all those beneficiaries and try and find beneficiaries 17 or activity that would demonstrate that they were an 18 organization, and then at that point I would still 19 report it up to the Government authorities, et cetera.</p> <p>20          Q. But again, in your mind, the US 21 designation was not sufficient, correct?</p> <p>22          A. For my personal opinion?</p> <p>23          Q. Correct.</p> <p>24          A. I think it would give grounds for 25 suspicion, but from me looking at this relationship I</p>		<p>1 consequences in the US of transacting in US dollars. 2 I don't think we as a UK bank were banned from dealing 3 in US dollars, but it would not be wise or conducive 4 to the business to do anything in dollars.</p> <p>5           Q. Did that belief come from your prior 6 training? Did it come from attorneys with NatWest? 7 Where did you gain that understanding?</p> <p>8           A. I don't recall a specific occasion where 9 I would have got that, from reading the OFAC thing, 10 having it explained to me, but I would not be able to 11 recall a specific occasion.</p> <p>12          Q. You don't recall who explained it to 13 you?</p> <p>14          A. Exactly.</p> <p>15          Q. I want to ask you what I hope is 16 a straightforward question. In the first hour this 17 morning we discussed that you were the surveillance 18 manager, and essentially the second line of monitoring 19 or auditing when you first joined RBS. Correct?</p> <p>20          A. Yes.</p> <p>21          Q. If a suspicion of money laundering or 22 terror financing that was going to ultimately come 23 through you started on the branch level, can you give 24 me or can you explain to me the path that that 25 suspicion would follow, in terms of which departments</p>	
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<p>1 didn't find anything that further, you know, further 2 evidence that, you know, I approached this in 3 a suspicious mind in those days. I went to find 4 something basically when I looked at this account.</p> <p>5           Q. One more question on this document. 6 Looking at the second to last paragraph on the first 7 page, starting with "I am content". Do you see where 8 I am talking about?</p> <p>9          A. Yes.</p> <p>10         Q. I believe Mr. Schwartz asked you this 11 morning if you knew whether or not NatWest could 12 continue to transact business for Interpal so long as 13 it did not include transactions that included US 14 dollars. Correct?</p> <p>15         A. Yes, he asked me a similar question to 16 that, yes.</p> <p>17         Q. Am I correct in restating that your 18 answer to that question was yes, that NatWest could 19 transact business for Interpal after the US 20 designation so long as the transaction did not involve 21 US dollars?</p> <p>22         A. My belief would be NatWest could 23 continue with its relationship with Interpal, and if 24 it transacted in US dollars, which it would be 25 entitled to do of course, it would have then the</p>		<p>1 or which positions within which departments would 2 review it up until the point it reached your desk?</p> <p>3           A. The procedure is that it should not come 4 to me. The procedure is as you saw on one of the 5 previous exhibits, Cole 14, staff who have got access 6 to e-mail should send it directly to that mail box at 7 group level. The function for reporting in the bank 8 is within that team, it is not within the divisional 9 team. The only time I would be involved in it would 10 not be to assess the basis of any suspicion reports, 11 it would basically be to give support and guidance to 12 somebody submitting a form or wanting to investigate 13 a client further, so I am not part of the process.</p> <p>14         Q. Then let's move you out of the process. 15 Can you tell me how the suspicion would be 16 investigated, again starting at the branch level and 17 working its way up?</p> <p>18         A. Some of it would be speculation, because 19 I don't know all the procedures, but if there is 20 something unusual with a front line person, they will 21 try to make reasonable enquiries with the client and 22 through the accounts to see whether they can find 23 anything that will mitigate those concerns they have 24 and explain them. If they have a suspicion, the 25 suspicion is personal to those individuals, then they</p>	

**EXHIBIT 68 to Declaration of Joel Israel  
(Bank Transfer, 21 Pages)**

**This document has been filed Under Seal**

**EXHIBIT 69 to Declaration of Joel Israel  
(Bank Transfer, 24 Pages)**

**This document has been filed Under Seal**

**EXHIBIT 70 to Declaration of Joel Israel  
(Payment Instructions, 2 Pages)**

**This document has been filed Under Seal**

**EXHIBIT 71 to Declaration of Joel Israel  
(Payment Summary, 1 Page)**

**This document has been filed Under Seal**

**EXHIBIT 72 to Declaration of Joel Israel**

## **FINAL NOTICE**

To:           **Royal Bank of Scotland plc**  
Of:           **42 St Andrew Square**  
               **Edinburgh**  
               **EH2 2YE**  
Date          **12 December 2002**

**TAKE NOTICE: The Financial Services Authority of 25 The North Colonnade, Canary Wharf, London E14 5HS (“the FSA”) gives you final notice about a requirement to pay a financial penalty.**

### **1. THE PENALTY**

- 1.1 The FSA gave you a decision notice on 19<sup>th</sup> November 2002 which notified you that, pursuant to section 206 of the Financial Services and Markets Act 2000 (“the Act”), the FSA had decided to impose a financial penalty against you in the amount of £750,000.
- 1.2 You have informed us that you do not intend to refer the matter to the Financial Services and Markets Tribunal.
- 1.3 Accordingly, for the reasons set out below the FSA imposes a financial penalty on you in the amount of £750,000 (“the Penalty”).

**2. RELEVANT STATUTORY PROVISIONS AND REGULATORY RULES**

2.1 Section 2(2) of the Act includes among the FSA's regulatory objectives the reduction of financial crime.

2.2 Section 146 of the Act states:

*The Authority may make rules in relation to the prevention and detection of money laundering in connection with the carrying on of regulated activity by authorised persons.*

2.3 Rule 3.1.3(1) of the FSA's Money Laundering Rules ("the ML Rules") provides:

*A relevant firm must take reasonable steps to find out who its client is by obtaining sufficient evidence of the identity of any client who comes into contact with the relevant firm to be able to show that the client is who he claims to be.*

2.4 Rule 7.3.2(1) of the ML Rules provides:

*A relevant firm must make and retain...the following records...in relation to evidence of identity:*

- (i) *a copy of the evidence of identity obtained under ML3; or*
- (ii) *a record of where a copy of the evidence of identity can be obtained; or*
- (iii) *when it is not reasonably practicable to comply with (i) or (ii), a record of how the details of the evidence of identity can be obtained; and*

*when it has concluded it should treat a client as financially excluded (ML 3.1.5G to ML 3.1.7G Financial exclusion), a record of the reasons for doing so;...*

2.5 Section 206(1) of the Act states:

*If the Authority considers that an authorised person has contravened a requirement imposed on him by or under this Act, it may impose on him a penalty, in respect of the contravention, of such amount as it considers appropriate.*

**3. REASONS FOR THE PROPOSED ACTION**

**Summary**

3.1 Following information provided by RBS which suggested to the FSA that RBS may

have contravened the ML Rules, being requirements imposed upon RBS under the Act, the FSA on 30 May 2002 appointed investigators under section 168 of the Act.

- 3.2 As a result of that investigation, which was based on a sample of accounts opened between January 2002 and May 2002, the FSA has concluded that RBS has contravened both Rule 3.1.3 and Rule 7.3.2 of the ML Rules.
- 3.3 In so doing RBS demonstrated failings which demand a significant financial penalty. These failings are viewed by the FSA as particularly serious in the light of the following factors:
  - they occurred against a background where statutory requirements for firms to have in place anti-money laundering procedures, including procedures to identify their clients, had been in place for over eight years and where, in anticipation of the FSA's new powers to make Rules relating to the prevention of money laundering with effect from 1 December 2001, there had been a greatly increased emphasis on preventing the use of the financial system for financial crime;
  - the high level of breaches between January and March 2002;
  - notwithstanding the systems which RBS had in place, there was a failure adequately to monitor compliance with regulatory requirements;
  - the FSA believes that the size of RBS and the retail banking market in which it operates presents a serious risk to the FSA's statutory objective to reduce financial crime.
- 3.4 Were it not for the prompt and effective remedial action taken by RBS once it had identified its failings and for the full and pro-active co-operation demonstrated by RBS in relation to the FSA's investigation, the financial penalty proposed would have been very substantially higher.

#### **Facts and Matters Relied On**

##### ***The Statutory and Regulatory Background***

- 3.5 Statutory anti-money laundering requirements on financial sector firms were first imposed by The Money Laundering Regulations 1993 ("the Regulations"), which took effect on 1 April 1994. The Regulations require financial sector firms to have procedures for, among other things, the identification of their clients and the maintenance of records.
- 3.6 Further, from 1990 the Joint Money Laundering Steering Group, of which the British Bankers' Association is a member, provided advice on best practice in anti-money laundering controls by issuing Guidance Notes for the Financial Sector ("the

Guidance Notes"). Subsequent editions of the Guidance Notes took account of evolving best practice within the financial services industry. Since 1994 the Guidance Notes have provided advice and guidance on complying with the Regulations such that a court may take them into account in considering whether there has been a breach of the Regulations. Both the editions issued in 2001 reflected the provisions of the ML Rules that came into effect on 1 December 2001.

- 3.7 Prior to the ML Rules coming into force and in anticipation of the FSA's statutory objective to reduce financial crime, the FSA repeatedly stressed the importance of high standards of compliance with UK anti-money laundering requirements and that, once its new enforcement powers came into effect, they would be rigorously applied to deal with breaches of the ML Rules.

#### ***RBS Actions***

- 3.8 RBS is an authorised deposit taking institution undertaking retail banking along with a wide range of other permitted activities. It forms part of the Royal Bank of Scotland Group ("RBS Group").
- 3.9 RBS Retail Banking ("RBS Retail") uses a process called the "New Account Sanctioner" ("NAS") when opening new accounts. NAS is intended to ensure that the 'Know Your Customer' ("KYC") information necessary for verifying identity is in place prior to an account being opened. NAS has been in place for five years. The effectiveness of NAS is monitored by RBS Retail's compliance function. The procedure used by RBS Retail has been independently audited by RBS Group Internal Audit ("GIA") a number of times.
- 3.10 In late 2001 RBS Group instigated a program of actions to reduce the level of KYC control failures across the RBS Group to satisfactory levels by 31 March 2002. This objective was in line with requirements set down by the FSA with regard to the NatWest Retail Banking. One stream of the required work was a series of independent audits carried out by GIA.
- 3.11 GIA conducted testing of the NAS procedures in RBS Retail in December 2001. The tests were conducted on 241 accounts opened in November 2001. These tests identified a KYC failure rate of 11.2% i.e. either the customer's name or address (or both) had not been verified to the standards laid down in the NAS process within RBS Retail or the required records of identity had not been retained.
- 3.12 The results of the GIA tests were made available to RBS Group management, including the Group Compliance Department, in January 2002. In line with the Group-wide program of work to reduce KYC control failures to satisfactory levels, a remedial action plan aimed at ensuring adherence to the NAS process was immediately drawn up and implemented during the period January 2002 to March 2002.
- 3.13 The next round of testing, in March 2002, was conducted by Retail Compliance on accounts opened in January 2002, following the implementation of the action

plan. These tests indicated that the KYC failure rates had increased further.

- 3.14 On 10 April 2002 RBS Group informed the FSA of the failings identified by the GIA tests in December 2001 and gave a copy of the GIA report to the FSA.
- 3.15 The results of the March tests were orally reported to the FSA at a meeting on 23 April 2002.
- 3.16 The remedial action plan initiated in January 2002 has resulted in KYC failure rates being significantly reduced from April 2002.

#### ***The FSA Investigation***

- 3.17 At the request of the FSA, RBS supplied account opening documentation in relation to 181 accounts opened between January and May 2002. The accounts were those which were classified by GIA and Retail Compliance as failing against internal procedures from the sample of 2170 accounts which they had examined.
- 3.18 Each account file was examined, having regard to the identification criteria set out in the Guidance Notes to determine whether there was sufficient evidence to show that the client was who he had claimed to be.
- 3.19 Paragraph 4.72 of the Guidance Notes states that the true full name (and/or names used) and current permanent address should be established and independently validated for all private individuals whose identity needed to be verified. Paragraph 4.73 states that the information obtained should provide satisfaction that a person of that name exists at the address given and that the applicant is that person.
- 3.20 The FSA considers that a firm's failure adequately to establish and validate an applicant's name and permanent residential address constitutes a failure to take reasonable steps to find out who its client is and therefore constitutes a breach of ML 3.1.3.
- 3.21 Of the 181 account files examined, 89 were found to have insufficient evidence to show that the client was who he had claimed to be and therefore breached ML 3.1.3.
- 3.22 In respect of 7 account files, RBS was unable to supply copies or details of the documents it had used to verify identity. These files therefore constituted breaches of ML 7.3.2.
- 3.23 Two of the seven files referred to in paragraph 3.22 were found to constitute breaches of both ML 3.1.3 and 7.3.2, making a total of 94 accounts with one or more failings.

#### **4. RELEVANT GUIDANCE**

- 4.1 The principal purpose of the imposition of a financial penalty is to promote high

standards of regulatory conduct by deterring firms who have breached regulatory requirements from committing further contraventions, helping to deter other firms from committing contraventions and demonstrating generally to firms the benefit of compliant behaviour.

- 4.2 In determining whether a financial penalty is appropriate and its level, the FSA is required to consider all the relevant circumstances of the case. ENF 13.3.3 indicates the factors that may be of particular relevance in determining the level of a financial penalty. These are discussed in Part 5 below in respect of the circumstances of this case.
- 4.3 As the breaches of ML 3.1.3 and 7.3.2 also constitute breaches of the Money Laundering Regulations 1993, the FSA has considered whether the case is appropriate for a criminal prosecution. In considering this, the FSA has applied the principles set out in ENF 15.5 and in the Code for Crown Prosecutors, namely the evidential and public interest tests. Having regard to those tests, the FSA has concluded that a prosecution would not be appropriate in this case.

## **5. FACTORS RELEVANT TO DETERMINING THE SANCTION**

- 5.1 In determining that a financial penalty is appropriate and that the amount proposed is proportionate to RBS's contraventions the FSA considers the following factors to be particularly relevant in this case.

### **The seriousness of the breaches**

- 5.2 The high level of breaches identified applied across the whole of the RBS Retail network and existed from at least December 2001 (as identified by the GIA report) until March 2002, with particularly high failure rates in January 2002 and March 2002. RBS has stated that the rise in failure rates in March 2002 was partly due to the implementation of the remedial plan; the effect of the remedial plan in terms of reduced failure rates not being apparent until the following month.
- 5.3 The breaches revealed weaknesses in the RBS anti-money laundering control system. The FSA considers the failure effectively to monitor the compliance of the RBS Retail network with the requirements of the Money Laundering Regulations 1993 and the FSA Money Laundering Rules to be a serious matter. The seriousness of the breaches is exacerbated by the fact that they took place against a background of increased regulatory emphasis on the importance of effective anti-money laundering controls.
- 5.4 The FSA notes, however, that RBS itself discovered the breaches through its own GIA/Compliance testing in December 2001. Additionally, in most cases some attempt had been made to identify the customers.

**The size, financial resources and other circumstances of the firm**

- 5.5 The FSA expects that a bank such as RBS should ensure that its anti-money laundering controls operate effectively across the whole of its network. The FSA believes that a failure in anti-money laundering systems and controls in a large retail bank such as RBS is particularly serious in that it poses a greater risk that financial crime may be facilitated and therefore constitutes a greater risk to the FSA's statutory objective to reduce financial crime.

**Conduct following the contravention**

- 5.6 RBS informed the FSA of its contraventions and has co-operated fully and proactively with the FSA's investigation.
- 5.7 Once it had identified the problem, RBS took it seriously. It devoted considerable resources at an early stage to correct the problem and instituted a remedial action plan of its own accord. The FSA is satisfied that the remedial action plan has appropriately addressed the KYC non-compliance issue.

**6. CONCLUSION**

- 6.1 Taking into account the seriousness of the contraventions and the risks they posed but also the prompt and effective remedial steps taken and the co-operation shown, the FSA has decided that a financial penalty of £750,000 be imposed. Without RBS's remedial actions and co-operation, the penalty would have been very substantially greater.

**7. IMPORTANT NOTICES**

- 7.1 This Final Notice is given to you in accordance with section 390 of the Act.

**Manner of payment**

- 7.2 The Penalty must be paid to the FSA in full.

**Time for payment**

- 7.3 The Penalty must be paid to the FSA no later than 31<sup>st</sup> December 2002, being not less than 14 days beginning with the date on which this notice is given to you.

**If penalty not paid**

- 7.4 If all or any of the Penalty is outstanding on 1<sup>st</sup> January 2003, the FSA may recover the outstanding amount as a debt owed by you and due to the FSA.

### **Publicity**

- 7.5 Sections 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this notice relates. Under those provisions, the FSA must publish such information about the matter to which this notice relates as the FSA considers appropriate. The information may be published in such manner as the FSA considers appropriate. However, the FSA may not publish information if such publication would, in the opinion of the FSA, be unfair to you or prejudicial to the interests of consumers.
- 7.6 The FSA intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

### **FSA Contacts**

- 7.7 For more information concerning this matter generally, you should contact Carlos Conceicao at the FSA (direct line: 020 7676 1174 /fax: 020 7676 9723).

**Brian Dilley**  
**Head of Deposit Taking & Financial Stability**  
**FSA Enforcement Division**